



AGRICULTURAL RESEARCH INSTITUTE

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**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

VOLUME VIII

FIFTH SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1926



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THE
LEGISLATIVE ASSEMBLY DEBATES
(OFFICIAL REPORT OF THE FIFTH SESSION OF THE SECOND
LEGISLATIVE ASSEMBLY.)

VOLUME VIII

SECOND VOLUME OF SESSION 1926.

LEGISLATIVE ASSEMBLY.

Tuesday, 17th August, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, being the first day of the Fifth Session of the Second Legislative Assembly, pursuant to Section 63D(2) of the Government of India Act.

**INAUGURATION OF THE SECOND SESSION OF THE SECOND
COUNCIL OF STATE AND THE FIFTH SESSION OF THE
SECOND LEGISLATIVE ASSEMBLY.**

His Excellency the Viceroy with the Presidents of the Council of State and the Legislative Assembly having arrived in procession, His Excellency took his seat on the dais.

H. E. the Viceroy : Gentlemen of the Indian Legislature, it is with much pleasure that I bid you welcome to the labours of another Session. Although the full term of the Assembly is not due to expire till January, it is generally convenient that the Elections should be held at the beginning of the cold weather, and the new Assembly brought into being in time for the January Session. Having regard to these considerations, I propose that dissolution should take place next month to be followed by the General Election in November. I recognise that, in these circumstances, it must have been inconvenient to some Honourable Members to attend this Session. Many of you will have found difficulty in leaving your constituencies at a time which you would naturally wish to devote to electoral activities, and many have had to travel long distances to attend a Session which must necessarily be of short duration.

I thank Honourable Members, therefore, the more for affording me this opportunity of making their acquaintance, and of acknowledging

the work they have done ⁱⁿ during the past Sessions of both Houses. Apart from the needs of public business, it was a desire to provide myself with such an opportunity that was largely responsible for my decision to hold this Session, for I do not forget that when I next address the Legislature, the ballot-box will have had its say, and though Members of the Council of State are happily at this time exempt from its operation, some of the Members of the Assembly whom I now see before me may have had to bow to its remorseless decree.

I am happy to inform you that the relations of India with the Kingdoms of Nepal and Afghanistan, as with other Powers whose countries adjoin our own, continue to be friendly.

The settlement of the difference between His Majesty's Government and the Government of Turkey about Mosul has removed the outstanding obstacle to a full understanding between the two countries, and has been hailed with satisfaction both by the Muslim community and by general Indian opinion.

In the sphere of Imperial policy, the most pressing of all questions affecting Indians, is the position of their fellow-countrymen in South Africa. When Lord Reading last addressed the Council of State, two months before his departure, he referred to the negotiations which were then in progress between the Government of India and the Government of the Union of South Africa, and which have had the satisfactory outcome already known to you. That result was due to, and could only have been achieved by, various influences operating in close combination. The steadfast policy of the Government of India was guided by the wise and patient diplomacy of Lord Reading, and assisted by the discreet restraint with which the Indian Legislature awaited the issue of developments which outwardly, at times, gave cause for anxiety and misgiving. The tact and dignity with which the Indian Deputation to South Africa stated the Indian cause, drew valued support from the un-official labours of Mr. Andrews, and, last but not least, I know that this Assembly would wish me to acknowledge the broadminded statesmanship of General Hertzog and his colleagues as expressed in their willingness to submit the Indian question in South Africa to discussion in a friendly conference. As has already been announced, the Conference will meet in December at Cape Town, by which means touch can be maintained with the opinion of Indians resident in South Africa, and the Government of India hope in due course to announce a *personnel* of the Indian Delegation which will satisfy the public that the case of India will be worthily presented. The reception accorded by Indian opinion to the decision to hold such a conference augurs well for its success. At the same time, in order to enable representatives of the various political parties in South Africa to appreciate India's point of view, and to strengthen the better understanding created by the visit of our Deputation to the Union, the Government of India extended, and the Union Government have accepted, an invitation to send a representative deputation to this country. This exchange of visits will, I am confident, do much to give to the peoples of the two countries the real desire to appreciate and appraise one another's difficulties, which is the first step to the discovery of means by which conflicting claims may be brought into harmonious relation. For however strong on every ground we conceive our cause to be, we do no service to it if we deny the existence of, or underrate, the difficulties confronting those who are the responsible

spokesmen of South African opinion. Least of all do we assist our purpose if we affect to treat any question such as this, of which the roots lie more deeply bedded in human nature than our philosophy can easily discern, as one susceptible of easy decision by some application of coercive force. Any solution that is to deserve the name, and to stand the test of time, must be based upon mutual accommodation and carry the free assent of both communities.

In October the Imperial Conference will meet to discuss other important questions of general Imperial concern. Every year that passes shows more clearly that the various dominions of the King-Emperor constitute ~~an~~ inter-dependent organism in which no part can exist in lonely isolation. With the expansion of her natural and political resources, we may feel confident that India must take an increasingly important place in the general structure, for she has much both to give to, and receive from, others.

There are several important matters of domestic, financial and industrial concern to which I must especially direct your attention. Our recent rupee loan was a conspicuous success, and we may congratulate ourselves that in the space of two hours we obtained all the money we required on terms which are infinitely better than any we have been able to secure since the outbreak of the great European War. Indeed, they compare very favourably with terms recently obtained for long-term loans by even those Governments whose credit stands highest in the world's money markets. I see no reason to suppose that, when we come to replace our remaining short-term liabilities, we shall find any difficulty in obtaining terms as favourable.

The Report of the Taxation Enquiry Committee is under the careful consideration of Government, and matters are in train for that consultation with the Local Governments which is essential before action can be taken on the Committee's recommendations. In the meantime, in order both to fulfil the promise made to the Legislature and to assist Government in formulating their conclusions, Resolutions will be moved this Session in both Chambers in such terms as to give Honourable Members an opportunity of expressing their views on any portion of the Report in which they may be interested.

The Report of the Royal Commission on Indian Currency and Finance is now in your hands and testifies to the thoroughness with which Mr. Hilton Young and his colleagues have done their work. Whatever judgment may be formed of their conclusions, it will be readily admitted that by the care and knowledge which they have brought to the examination of these matters, they have given us very valuable assistance. As already announced, the Government of India have accepted two of the chief recommendations of the Commission, namely, the ratio of the rupee to gold and the method of establishing that ratio during the period which must elapse before the responsibility for the control of the currency can be transferred to a Central Bank.

In view of the acceptance of these recommendations Government felt that there should be no delay in making a clear statement of its policy, and that as immediate action by Government was necessary, it was their plain duty to bring the matter before the Legislature at the earliest possible date. A Bill will therefore be introduced during this Session, and I feel

confident that so grave and weighty a subject will be examined not in the light of any local interests but with reference to its ultimate reaction upon the economic and commercial prosperity of the whole country.

As Honourable Members will be aware, the Tariff Board is now occupied with an important statutory enquiry into the steel industry, and the Bombay Mill-owners' Association recently applied for an early and comprehensive enquiry into the cotton textile industry. The depression in the latter industry has for some time been a matter of grave concern to the Government. In order therefore to avoid delay, Government decided to appoint a second Board, which commenced its investigations at Bombay at the beginning of July. It is hoped that the reports of both these Boards will be submitted within the next three months, in time for consideration at the next Delhi Session.

In addressing the Legislative Assembly at the beginning of this year Lord Reading outlined the object and duties of the Royal Commission on Agriculture, which will begin its labours two months hence. The personnel of the Commission is now known to you. In its President, Lord Linlithgow, it is fortunate in having a man who combines sound practical experience in farming with a life-long study of its scientific theory. He has as his colleagues a body of men, who by their knowledge of practical agriculture, rural economy, science and engineering, are well fitted to analyse and review the allied questions on which the greater prosperity of the agriculturist depends.

There is another aspect of the economic development of India to which I may refer. Railway construction, which up to 1914 had made rapid progress, was checked in its stride by the upheaval of the Great War and the years immediately succeeding it. During the last five years the most urgent work has been carried on, not without difficulty, but now, as a result of the improved financial position of railways generally, the Railway Board feel able to consider the adoption of a definite scheme of construction for the next five years. They have devoted particular attention to the development of traffic in rural areas with a view to stimulating agriculture, and by a new adjustment of standards of construction to the conditions of each area they hope, in their present programme, to add 6,000 miles of railway which will be at once remunerative and a boon to the country which they serve.

Another and a more important development of railway policy is also being carried out. The Government of India, with the approval of the Secretary of State, have accepted the recommendation of the Royal Commission on Public Services that recruitment in India to the Superior Railway Services should gradually be brought up to 75 per cent. of the total number of vacancies in each year. Rules have recently been published which give effect to this policy in all the principal branches of the Superior Railway Service.

In another direction also the further recruitment of Indians has taken definite shape.

In their last Session the Legislative Assembly accepted in principle the scheme for the establishment in Indian waters of a training ship for deck officers. The estimates of the cost of the scheme have now been prepared in more detail, and a demand for a grant will be placed before the Assembly at this Session to cover the expenditure contemplated during the year.

Honourable Members will have observed that, in pursuance of the proposals made by the Lee Commission affecting the Public Services, a Public Service Commission has now been constituted which will commence its work on the 1st October. The orders passed on the Lee Commission Report involve a very marked increase in the Indianisation of the great Public Services and, with this wide extension of Indianisation, it becomes a matter of vital importance to improve our machinery for recruiting Indians. This will be one of the main functions of the Commission. They will also, it is hoped, assure to the Services, in their capacity as an impartial court of reference, protection in the honest performance of their duties from all influences, whether political, personal or communal, which might affect them. It will be within the recollection of Honourable Members that the Lee Commission made various suggestions of importance in connection with the delegation of powers of control over the Services. It was recognised that so long as Provincial Governments on the transferred side were not free to organise the Superior Services which administer the subjects committed to their charge, their initiative might be to some extent restricted. The Commission therefore proposed that fresh recruitment to the all-India Services working on the transferred side should cease, and that Local Governments should be entrusted with the power of organising new services on a provincial basis, which would gradually take over the duties at present performed by these all-India Services, as the latter gradually disappeared through retirement. Recruitment for the all-India Services referred to was stopped as soon as the recommendations of the Lee Commission were accepted, and recently by Resolutions passed by the Secretary of State in Council, power has been given to Local Governments to organise such new Provincial Services as they may require. The organisation will be no easy task, but the Local Governments will be able to follow their own line of policy and to mould their schemes to suit local requirements, and these powers represent an important step in increasing the control of Ministers over Transferred Subjects.

Hitherto, I have referred only to the all-India Services serving on the transferred side. The Lee Commission also made recommendations of far-reaching importance with regard to the control of the Central Services, which work directly under the Government of India. With a few exceptions, it has been decided that control over these great Central Services should be delegated by the Secretary of State in Council to the Government of India. The necessary rules are at present under preparation, and I hope that within a few months the delegation will be an accomplished fact. With the completion of this task and the settlement of the problem of the Indian Medical Service, the action on the recommendations of the Lee Commission will practically be complete, and a reorganisation of the Services of a very striking character will have been accomplished.

This action is the administrative counterpart of that taken seven years ago by the British Parliament towards enabling India, through the working of popular institutions, to assume greater responsibility for her own destiny. From the purpose then declared, the British people and the British Parliament have never wavered. By the action that they then took they gave statutory recognition to two governing ideas. They recognised the right of India to move towards self-government,

and they recognised the obligation imposed upon the British people acting through Parliament to assist India to make that right a practical reality.

Though on the surface these ideas may seem to conflict, they are in truth complementary. We can no more deny the fundamental duty of Parliament thus to assist India and to judge of the progress made, than we can deny the ultimate claim which India makes, and to the satisfaction of which we work. It is certain that, before this claim can be fully realised, many obstacles imposed by history, circumstance and nature will need to be surmounted, and I cannot doubt that the task is one, of which the successful discharge must depend upon a true reconciliation of those rights and responsibilities to which I have made allusion. It would indeed seem certain that when the past achievements of progress have been the happy fruit of joint Indian and British effort, so now, in the solution of present difficulties each race has an indispensable part to take. Within the next three years at the most from now the Statutory Commission will be appointed to conduct an investigation on behalf of the British Parliament into the working and the results of the Constitutional Reforms, in their widest aspect. The purpose of this enquiry will be to ascertain the degree of efficiency, or otherwise, with which the policy of 1919 has proceeded. I am well aware that in various quarters the existing scheme has been criticised, and that there has been, and will be, sharp disagreement as to the character and occasion of further progress. I would permit myself however to hope that, if difference there must be, it shall be such difference as will not make us unwilling to admit the sincerity of those whose views on these subjects differ from our own. For my own part, I trust that I shall always be ready to acknowledge in those whose political views I cannot share, the same honesty of conviction which I claim for myself, and for those whose duty it is to speak for Government. And I should be the last to desire, that in taking their share of a common task for the service of India, any should be required or expected to abandon principles which they revere. For peoples, as for individuals, the qualities which are needed to shoulder responsibilities are qualities which would be strangled by the denial of individuality, and it is no part of the British purpose to seek to force India into a mould unfriendly to the main features of Indian life and character. Events in the interval between now and the Commission's enquiry cannot fail to exert great influence upon the conclusions at which that body will arrive, and in this connexion I cannot refrain from referring to the feeling which still prevails between communities.

This unhappily remains the burning question, and I have anxiously watched for any signs that the responsible members of the two communities are approaching it in that spirit of mutual tolerance which alone can put an end to discord. I am not so sanguine as to think that the temper of whole communities can be changed in a moment; time is required to lay its healing hand on the wound that is now wasting our civic life.

But meanwhile, we have obligations to law-abiding citizens. Although, indeed, these matters are the primary concern of Provincial Governments, the form in which they are now emerging has in a real sense made them of all-India interest. While it is no part of

the functions of the executive Government to ascertain or determine in any judicial sense the private rights of citizens—for an elaborate system of courts has been provided for that purpose—it is the undoubted duty of the executive authorities to secure that, subject to the rights of others and the preservation of the public peace, the enjoyment of those rights is secured to the individual. That duty the Government of India in co-operation with the Local Governments desire should be performed with fairness and scrupulous impartiality. In ordinary times when no particular cause of friction arises, the enjoyment of private rights connected with the observance of the numerous religious festivals in this country has, under the protection of the British Government, been secured for many generations. In times of communal tension, untenable claims of rights and exaggerated opposition have from time to time caused great anxiety to the authorities, and the maintenance of the public peace has been a difficult task. The antagonism which some members or sections of the communities concerned have recently displayed towards the observances of others appears to some extent to be based, not so much on traditional loyalty to any creed, as on new assertions of abstract rights which it is sought to invest with the sanctity of ancient principles. This tendency has been more marked in the recent troubles than at any previous period in the British administration. It cannot be too clearly emphasised that Government have no intention whatever of allowing any unjust or unreasonable claims, still less any violence or threat of violence, to deter them from their clear duty of maintaining the public peace and, so far as is compatible with the rights of others, the right of the individual citizen to pursue unhampered his lawful avocations.

The present state of affairs is one which must, so long as it lasts, cause the gravest anxiety to all well-wishers of India. The Secretary of State gave clear expression to such a feeling in his recent speech in the House of Lords, a speech which reaffirmed not only his real sympathy with the hopes of the Indian peoples, but also his determination to lead them, by the safest and surest path, towards the goal which they desire to reach.

It is my earnest hope, therefore, that the course of public affairs in the years immediately before us may be such as will justify the hopes of those who have seen in the Reforms, tentative and imperfect as they may be, a generous attempt to equip India with the practical experience which is requisite if she is to undertake successfully an increasing share in her own Government. In the natural sphere, the mountain torrent, swollen with rains, rushing down in spate, wasted and unguided, brings no benefit but only disaster and destruction. The same waters, if their force may be wisely and beneficently directed, are the friend of man, and powerful to give new life to all that may be brought within their range.

In this parable of Indian life lies surely a truth that is not without its application to the world of Indian politics. Men of different temperaments, creatures of different circumstances, will see the same problem with different eyes, and, so seeing it, are prone to misjudge or be impatient with those whose outlook and perspective differ from their own. One thing, however, is very sure. Human nature is designed to be the master, not the slave of circumstance; and problems which baffle us when approached

through the atmosphere of suspicion and mistrust will seem less intractable if that atmosphere may be dispelled. India has abundance of ability, but some of it in the past has been directed along lines that could at the best lead to no useful or durable result.

The attempt to apportion blame for past disappointments, mistakes or misunderstandings is an empty and barren enterprise. We face the future, in which a few years are a puny measure by which to calculate the growth of nations. In that future I do not hesitate to say that the whole of the resources that India can command are needed for one of the greatest constructive tasks which has ever enlisted human energies and hopes.

LEGISLATIVE ASSEMBLY.

Wednesday, 18th August, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, and the President (the Honourable Mr. Vithalbhai Javerbhai Patel) took the Chair.

MEMBERS SWORN.

Mr. Alfred Alan Lethbridge Parsons, C.I.E., M.L.A. (Financial Commissioner, Railways) ; Sir Ganendra Prosad Roy, Kt., M.L.A. (Director General of Posts and Telegraphs) ; Diwan Bahadur Calamur Varavalli Viswanatha Sastri, M.L.A. (Madras : Nominated Official) ; Mr. Harry Graham Haig, C.I.E., M.L.A. (Home Department : Nominated Official) ; Mr. Benegal Rama Rau, M.L.A. (Finance Department : Nominated Official) ; Mr. John Coatman, M.L.A. (Director of Public Information) ; Sir George Frederick Paddison, K.B.E., C.S.I., M.L.A. (Madras : Nominated Official) ; Mr. Frederick William Allison, M.L.A. (Bombay : Nominated Official) ; Mr. Ernest Lingham Nerton, M.L.A. (United Provinces : Nominated Official) ; Mr. Crewe Armand Hamilton Townsend, C.I.E., M.L.A. (Punjab : Nominated Official) ; Mr. James Ferguson Dyer, M.L.A. (Central Provinces : Nominated Official) ; Mr. Keshav Chandra Roy, C.I.E., M.L.A. (Bengal : Nominated Non-official) ; Mr. John Sheepshanks, M.C., M.L.A. (Bombay : European) ; Maulvi Asad Ali, M.L.A. (Chittagong Division : Muhammadan Rural) ; and Mr. Tracey Gavin Jones, M.L.A. (United Provinces : European).

QUESTIONS AND ANSWERS.

COMMUNAL RIOTS.

1. ***Mr. Harchandrai Vishindas :** 1. Will Government be pleased to state :

(a) if they have collected any statistics as to the loss of life and other casualties occasioned by the communal riots during the last three years ?

(b) to what causes can such riots be traced ?

2. Do Government concede the right of communities to make use of the King's highways for their religious and other processions in the manner established by time-honoured usage without molestation from other communities ?

3. Will Government be pleased to ascertain whether it is true that in India music with processions was never objected to until very lately ?

4. Will Government be pleased to state if they have under contemplation any legislative or executive action for the restoration of whatever was the practice sanctioned by time and usage ?

The Honourable Sir Alexander Muddiman : With your permission, Sir, I propose to reply to this question by making the following statement :

Government agree that every citizen has the right to use the public highways for religious and other processions in the manner established by custom and tradition, but the right is subject to the exercise of the similar rights of others and to any orders passed in the public interest by competent authority.

Religious disturbances in India are no novelty unfortunately. They have occurred from time to time in many places, particularly when the festivals or holidays of the two great religions have fallen at the same season and when one party desires to lead a procession past places of worship belonging to the other or raises objections to the observance of some religious rite. I may mention as an instance that a memorial was submitted to the Government of India in 1882 asking them to maintain the existing practice by which music was stopped before a mosque in a certain town. The correspondence of the period shows that the question was then the cause of acute friction between the parties.

It is impossible to say when this particular objection was first raised or first gave rise to rioting. It is reasonable to suppose that it dates from a period of which no exact records exist.

The Government of India do not contemplate introducing legislation of the kind suggested. Apart from the difficulty of ascertaining in the face of conflicting reports and claims what the custom in a particular locality has been, His Excellency the Viceroy, in his recent speech at the Chelmsford Club in Simla, made it clear that in the view of the Government of India, the remedy for the present troubles is not to be sought in legislation but in an improvement in the mutual attitude of the leaders and members of the communities at variance. Executive action must clearly be left to the authority in immediate charge of the area in which trouble has arisen or is likely to arise and its character must vary with the circumstances of the place and the moment.

I place on the table a statement giving disgracefully long statistics of communal rioting for the whole of India for the last three years, so far as details of the occurrences have been reported to the Central Government.

Date.	Place of occurrence.	Casualties.
24th August 1923	Gonda, United Provinces ..	28 injured : no deaths.
Do.	Saharanpur, United Provinces	Total casualties 296 injured and 10 deaths.
26/28th August 1923	Agra, United Provinces ..	2 persons killed.
6/7th September 1923	Saharanpur, United Provinces	Number of casualties not reported.
21st March 1924	Bagalkot, Bombay ..	20 injured.
12th April 1924	Kandhla, Muzaffarnagar, United Provinces.	23 injured.
15th April 1924	Harpur, United Provinces ..	Not known.

Date.	Place of occurrence.	Casualties.
11th July 1924	Ballhamran, Delhi Idgah Kohna.	Killed 17, injured 150.
15th July 1924	Sadar Bazar, Delhi	
19th July 1924	Juma Masjid, Delhi	
16th July 1924	Lilooah, Bamangachi	
11th August 1924	Amethi, United Provinces	27 injured.
11th August 1924	Sambhal, United Provinces	Not known.
23rd August 1924	Rhagalspur, Bihar and Orissa	1 killed.
30th August 1924	Nagpur	1 killed.
9/10th September 1924	Kohat	36 killed, 145 wounded.
12th September 1924	Lucknow	4 killed and 30 injured.
22nd September 1924	Saharanpur, United Provinces	6 killed and 104 injured.
7th October 1924	Allahabad	8 killed and 110 injured.
Do.	Saugor, Central Provinces	30 injured.
Do.	Kankinara	6 injured.
8th October 1924	Jubbulpore, Central Provinces	81 injured.
25th January 1925	Khanna City, Ludhiana, Punjab,	None.
11th February 1925	Fatehpur, United Provinces	8 injured.
9th March 1925	Mandal, Viramgam, Bombay	3 severely beaten.
12th March 1925	Bagalkot, Bijapur, Bombay	Some injured but detailed information not furnished.
16th March 1925	Sadar Bazar Khari Bawli and Nayabans, Delhi.	21 injured and 1 killed.
17th March 1925	Do.	36 injured.
2nd July 1925	King George's Dock, Kidderpore, Calcutta.	38 injured, 4 seriously 1 of whom died later.
4th July 1925	Talikot in Bijapur, District, Bombay.	No casualties.
2nd August 1925	Sholapur District, Bombay	20 injured, one seriously.
15th August 1925	Jalalpur, Fyzabad District, United Provinces.	16 injured.
Do.	Mirganj, Gopalganj Subdivision Saran, District, Bihar and Orissa.	Injured not known.
23rd August 1925	Titaghur, 24 Parganas, Bengal.	9 injured.
30th August 1925	Khamgaon, Central Provinces.	No serious injuries caused.
28th September 1925	Bahraich District, United Provinces.	29 persons more or less injured, six seriously, one of whom not expected to recover.
13th October 1925	Arvi Wardha, District, Central Provinces.	40 injured.
20th October 1925	Uttangi, Bellary	3 killed; 5 seriously wounded, 22 slightly injured.
22nd October 1925	Aligarh, United Provinces	6 killed, 130 injured.
26th October 1925	Akola, Berar	2 severely injured. About 30 others slightly injured.
25th October 1925	Sholapur, Bombay	2 killed and 22 injured.
February 1926	Agra City, United Provinces.	1 old man badly handled by mob, not expected to live.
7th February 1926	Madhi in Pathardi Mahal Ahmednagar District, Bombay.	6 injured not seriously.

Date.	Place of occurrence.	Casualties.
11th February 1926 ..	Barondi, Patnagiri District, Bombay.	22 injured, 1 of whom died.
12/13th February 1926..	Rewari, Punjab	Several injured and 1 found dead.
2nd to 12th April 1926 ..	Calcutta	584 injured and 44 deaths.
14/16th April 1926 ..	Sassaram, Shahabad District, Bihar and Orissa.	20 persons injured, 2 of the injured died subsequently.
22nd April to 9th May 1926.	Calcutta	391 injured and 66 killed.
17th May 1926 ..	Kharagpur, Bengal ..	Total casualties believed to be 11 killed and 32 injured.
26th May 1926.	Hajinagar Paper Mills, Calcutta.	40 injured of whom 3 seriously.
1st June 1926 ..	Damoh, C. P.	75 persons injured.
22nd June 1926 ..	A village in Darbhanga District.	4 or 5 slightly injured.
Do. ..	Jhusi, village near Allahabad	1 killed and nine injured.
22nd June 1926 ..	Maksudpur, Thana Katra, Muzaffarpur District.	4 injured.
23rd June 1926 ..	Singhasan, Beniapatti Thana, Darbhanga District.	4 killed.
Do. ..	Shankarpur, Sursand Thana, Sitamarhi Sub-Division, Muzaffarpur District.	No injured reported.
Do. ..	Bihar Sub-Division ..	No injuries reported.
Do. ..	Gaya	Do.
Do. ..	Sihali in Bara Banki District United Provinces.	9 injured, 1 seriously.
24th June 1926 ..	Delhi	Total number injured 63 including 3 deaths.
Do. ..	Gobindpur Thana, Gaya District.	Number of casualties not reported.
Do. ..	Katra Thana, Muzaffarpur District.	2 attacked by mob.
1st July 1926 ..	Pabna	9 injured.
4th July 1926 ..	Do.	10 injured.
15th July 1926 ..	Karachi	11 injured.
Do. ..	Calcutta	13 deaths and 109 wounded.
16th July 1926 ..	Do.	2 killed.
19th July 1926 ..	Do.	6 injured.
20th July 1926 ..	Do.	1 killed.
21st July 1926 ..	Purnea, Bihar and Orissa ..	1 injured.
22nd July 1926 ..	Calcutta	3 killed and 10 wounded of whom 2 died later. 7 isolated cases of stabbing of which 2 were fatal.

Mr. K. Ahmed : Are the Government aware that, if hospitals, churches and mosques are situated on the King's highways, the Honourable the questioner cannot be allowed to pass along the road in a procession accompanied with music ? It is specially provided that King's highways cannot be used for that purpose.

The Honourable Sir Alexander Muddiman : I do not fully understand the import of the Honourable Member's question. If he means

to imply that in certain towns there are regulations for licences of processions, I believe he is correct.

Mr. K. Ahmed : Are the Government aware that Lord Lytton made a statement to the correspondent of the *Westminster Gazette* a few days ago that the rivalry between the Hindus and Muhammadans regarding the Indianization of the services is the cause of the communal riots and disturbances in this country ?

The Honourable Sir Alexander Muddiman : I am not aware of that statement.

Mr. K. C. Roy : May I suggest that the Honourable the Home Member be good enough to place on the table of this House the reports received from the Provincial Governments on these communal riots ?

The Honourable Sir Alexander Muddiman : I must consider that matter before I can give an answer.

Mr. B. Das : May I inquire, with reference to the reply given by the Honourable Member just now that communal disputes ought to be settled by the different communities, whether Government do not play the part of the third party in fostering the communal disturbances in the country ?

The Honourable Sir Alexander Muddiman : I should like the question to be repeated. I did not hear the last words of the Honourable Member.

Mr. B. Das : Whether the Government do not play the third party in fostering communal disturbances in the country.

The Honourable Sir Alexander Muddiman : Have I rightly understood the Honourable Member to suggest that the Government foster communal disturbances ?

Mr. B. Das : That is the general impression among the public.

The Honourable Sir Alexander Muddiman : That is a completely mistaken and very wrong suggestion, and I am much distressed that the Honourable Member has thought it fit to repeat it in this House. (Applause.)

Mr. K. Ahmed : Are the Government aware that the Governor of Bengal (His Excellency Lord Lytton) made the statement on the opening day of the last Session of the Bengal Council in Calcutta that the *goondas* were exported from the foreign provinces and the natives of the adjoining Provinces were engaged by the Indian merchants under the Chamber of Commerce who were asked by the Government to take care of these *goondas* in their employment, so that the people might live peacefully in the city of Calcutta ?

The Honourable Sir Alexander Muddiman : The question regarding the export of *goondas* should, I think, be addressed to my Honourable friend the Commerce Member.

ISSUE OF RETURN TICKETS BY THE EAST INDIAN RAILWAY.

2. ***Mr. Kamini Kumar Chanda :** (a) Does the East Indian Railway now issue return tickets, that is tickets on reduced fares for the double journey ?

(b) Is it a fact that such tickets are issued from only a few stations to a few other stations ? Will Government give a list of such stations or say whether such list is published in the Railway Guide ? If it is not published how can the public ascertain the names of such stations ?

(c) Is it a fact that such return tickets are issued from Howrah (Calcutta) to Delhi and back, but are not issued from Delhi to Howrah and back ? If so, will Government please state the reason, if any, for this restriction ?

(d) Is it a fact that there is not the slightest indication given in the monthly or periodical Railway Guides :

- (i) that such return tickets are issued at all ;
 - (ii) of the names of the stations between which, and the conditions under which, such tickets are issued ; and
 - (iii) of the amounts of fares charged for such tickets ?
- (e) If so, why ?

Mr. A. A. L. Parsons : (a) Yes.

(b) Return tickets are issued from most of the principal stations. The lists will be found on pages XVIII e to XVIII m of the East Indian Railway Time Table and Guide in force from April 1926.

(c) Yes. Similar concessions are granted from Delhi to certain stations but not to Howrah as the object of the concession is to increase traffic, and no such increase is at present anticipated by the issue of tickets from Delhi to Howrah.

(d) (i) to (iii). No. As already stated names of the stations between which and conditions under which return tickets are issued and the amounts of fares charged for such tickets are given on pages XVIII e to XVIII m of the East Indian Railway Time Table and Guide in force from April 1926.

(e) Does not arise.

ISSUE OF RETURN TICKETS TO ALL STATIONS ON THE EAST INDIAN RAILWAY, ETC.

3. ***Mr. Kamini Kumar Chanda :** (a) Is it fact that while the Eastern Bengal Railway issues return tickets to all stations on that line, return tickets issued by that Railway on the East Indian Railway when running the Sealdah-Muttra Express on the latter line are restricted to certain stations only ?

(b) Is it a fact that different amounts are charged for return tickets from Calcutta if issued from Howrah and Sealdah respectively to the same station ?

(c) Do Government propose to consider the propriety of removing the above-mentioned anomalies ? Do Government propose to consider the expediency of extending the issue of return tickets to all stations on the East Indian Railway, and also of equalising the fare for the return ticket whether issued from Howrah or Sealdah if it is to the same station ?

Mr. A. A. L. Parsons : (a) The Sealdah-Muttra Express is an East Indian Railway train, starting from Sealdah only for public convenience, and the rules of the East Indian Railway consequently apply to it.

(b) The reply is in the negative.

(c) As I have pointed out, no anomaly exists. The question of issuing return journey first, second and intermediate class tickets generally throughout the East Indian Railway is at present under the consideration of the Railway Administration.

The return journey fare by the train mentioned is the same, whether the ticket is issued at Howrah or Sealdah.

RESERVED ACCOMMODATION ON THE EAST INDIAN RAILWAY.

4. *Mr. Kamini Kumar Chanda : 1. Do the following rules now obtain on the East Indian Railway regarding reserved accommodation :

(a) 3 first class and 4 second class tickets will suffice for reserving a first class and second class compartment respectively, from Howrah, but not to Howrah ?

(b) The tickets must bear consecutive numbers and a return ticket will not count towards reserving the compartment ?

2. Will the Government please state the reason, and also the reason why 3 first class tickets will reserve one compartment from Howrah to Delhi but 4 tickets will be needed to reserve a similar compartment from Delhi to Howrah ?

3. Is it a fact that return tickets will not do to reserve a compartment ? Do Government propose to remove the above-mentioned anomalies ?

4. Do Government propose to consider the propriety of introducing the rule mentioned in (a) of part 1 of this question on the Eastern Bengal Railway and the Assam Bengal Railway ?

Mr. A. A. L. Parsons : 1 (a) As an experimental measure the East Indian Railway allow reservation from Howrah to any station on the East Indian Railway system of a first class compartment on payment of 3 ordinary first class fares and of a second class compartment on payment of 4 ordinary second class fares.

1 (b) and 3. Tickets need not bear consecutive numbers. Ordinary return tickets, but not tickets issued at special concession rates, are admitted.

2. As stated in my answer to 1 (a) above, the concession has been introduced experimentally only and its extension will depend on its proving a success.

4. The success attending the experiment so far has not been such as to justify the Railway Board suggesting to the Agents of the Railways mentioned that they should introduce something on similar lines. At present the reservations have averaged only three a month first class and twelve a month second class.

PAUCITY OF TRAINS AND INADEQUATE ARRANGEMENTS FOR THE SUPPLY OF DRINKING WATER ON THE BENGAL AND NORTH WESTERN RAILWAY.

5. ***Raja Raghunandan Prasad Singh** : Has the attention of the Government been drawn to a correspondence headed "Grievances of B. N. W. Railway Passengers" published in the *Searchlight* of Patna of the 9th June last? If so, do the Government propose to take prompt steps to inquire into and remove the grievances, if any, about the paucity of trains connecting main lines and about the inadequate arrangements for the supply of drinking water at stations?

Mr. A. A. L. Parsons : Government have not seen the issue of the *Searchlight* mentioned by the Honourable Member. If he will supply me with a copy I will send it on to the Agent for his consideration.

COMMUNAL RIOTS.

6. ***Raja Raghunandan Prasad Singh** : Will the Government be pleased to state how many communal riots have taken place and where during the last three months, and the number of persons killed or wounded in those riots?

The Honourable Sir Alexander Muddiman : I would refer the Honourable Member to the statement placed on the table in connection with the reply I have given to Mr. Harchandrai Vishindas's question No. 1.

EXPORT OF CATTLE.

7. ***Raja Raghunandan Prasad Singh** : Will the Government be pleased to state how many head of cattle of different descriptions have been exported from each province since January 1926 to the end of June 1926?

The Honourable Sir Charles Innes : The Government have no information beyond that contained in the Monthly Accounts of the Seaborne Trade of India which will be found in the Library.

THE CALCUTTA PORT TRUST LOAN OF ONE CRORE.

8. ***Pandit Shamlal Nehru** : Has the attention of the Government been drawn to :

- (a) The article under the caption "Calcutta Port Trust Loan" in *Commerce*, dated 3rd April 1926 ;
- (b) The articles under the captions "Calcutta Port Trust Loan" and "Unsound finance" in *Commerce*, dated 10th April 1926 ;
- (c) The article under the caption "Calcutta Port Trust Loan" in the *Times of India*, dated 13th April 1926 ; and
- (d) The article under "Local Bodies" in the *Pioneer*, dated 17th May 1926 ?

The Honourable Sir Charles Innes : (a), (b), (c) and (d). The reply is in the affirmative.

THE CALCUTTA PORT TRUST LOAN OF ONE CRORE.

9. ***Pandit Shamlal Nehru** : (a) Are the Government aware that the general view on the recent flotation of a one crore loan by the Commissioners for the Port of Calcutta at 97 per cent. on a $5\frac{1}{2}$ per cent. basis is the same as the *Statesman's* view that "it is impossible to avoid the opinion that the loan could have been floated on a cheaper basis" ?

(b) Is it a fact that a leading Bank, namely, the Central Bank of India, Ltd., offered to underwrite the whole issue at a rate which was one per cent. more favourable than the rate of $5\frac{1}{2}$ per cent. at 97 ; that, in any case, the Bank requested a counter-offer ; that the Port Trust did not give any counter-offer but announced the loan ?

(c) Are Government prepared to cause an inquiry to be made as to why the Commissioners deemed it fit or necessary to take no notice of the request of the Central Bank of India, Ltd., for a counter-offer ?

(d) Are the Government aware that the loan which was issued at 97 stands to-day at 107/12 ?

(e) Do Government propose to take steps to lay down some uniform procedure in respect of the loan programmes of local bodies on the lines of the suggestion in the *Pioneer* referred to in the previous question ?

The Honourable Sir Charles Innes : At present the Government of India are not directly concerned with the details of loans issued by the Calcutta Port Trust. Their control over such issues is directed merely to seeing that their own borrowing programme is not affected. I understand, however, that Finance Department has under consideration the general question of the method and practice of borrowing by large local bodies.

EXTENSION OF THE BAUSI RAILWAY TO BAIDYANATH DHAM AND SAINTHIA.

10. ***Raja Raghunandan Prasad Singh** : Has the attention of the Government been drawn to the suggestion made in the correspondence headed "Bhagalpur Notes" published in the *Hindustan Times* of June 13th, 1926, about the extension of the Bausi Railway to Baidyanath Dham and also to Sainthia via Dumka (Santhal Parganas) ? Do the Government propose to accept the suggestion and give effect to it at an early date ?

Mr. A. A. L. Parsons : Government have seen the article in the *Hindustan Times* referred to. Investigations regarding the Bausi Naya Dumka and Sainthia Railway project are already in hand and those for a chord line off this railway to connect with Baidyanath Dham are about to be carried out. If, as a result of these investigations, the projects are found to be remunerative, their construction will be undertaken.

SUPPLY OF ICE AND WATER TO THE RAILWAY TRAVELLING PUBLIC.

11. ***Raja Raghunandan Prasad Singh** : Do the Government propose to arrange that ice and water may be available in the different trains themselves at least during the hot season, so as to remove the inconvenience felt by railway travellers for want of arrangements for the supply of cold water at most stations during the hot season ?

Mr. A. A. L. Parsons : There are already ice vendors on a large number of trains and some Railways are, I believe, experimenting with the system of travelling watermen, though previous experiments in this direction have not yielded good results. But I can assure the Honourable Member that Railway Administrations and their Local Advisory Committees give constant attention to the question of providing adequate supplies of ice and water to railway travellers.

CONTINUANCE OF THE EXISTING LEAVE RULES TO MEMBERS OF THE EAST INDIAN RAILWAY WHOSE SERVICES WERE RETAINED ON THE TRANSFER OF THE MANAGEMENT OF THE RAILWAY TO THE STATE.

12. ***Colonel J. D. Crawford :** (a) Is it a fact that the Railway Board issued in 1924 a memorandum guaranteeing to the members of the East Indian Railway Company whose services were retained by Government on the taking over of the Railway the continuance of their existing leave rules ?

(b) Is it a fact that in 1925 the Railway Board authorised the Agent of the East Indian Railway to assure the staff that the service agreements sent them for signature were not intended to modify the terms stated by the above memorandum ?

(c) Is it a fact that the Railway Board have since ruled that employees under the East Indian Railway rules will not be granted more than six months' leave from the date they are pronounced medically unfit ?

(d) Does the Railway Board by this rule intend to reverse the decision contained in the statement made in sub-paragraph (c) of their memorandum of 1924 to the effect that " they have therefore decided to offer to them the continuance of their existing leave rules and conditions " ?

Mr. A. A. L. Parsons : (a) and (b). Yes.

(c) The answer is in the negative. Under the rules of the East Indian Railway Company an officer retiring with less than 20 years' service was not entitled as of right to leave on retirement, but the Board of Directors of the Company had discretion to grant such an officer on retirement the privilege leave due to him and any furlough earned by him up to a limit of 18 months. This rule is still in force except that the position of the Board of Directors is now occupied by the Railway Board, who have therefore to consider in each case, as it comes before them, what amount of leave it is in the circumstances reasonable to grant. It so happens that in two out of the three cases that have come before them since the East Indian Railway came under State management, they decided to sanction furlough up to 6 months. But it must not be understood from this that they intend in future to preclude themselves from sanctioning either more or less than 6 months' leave ; they propose, as indeed the rule requires, to deal with each case on its merits.

(d) Please see the answer to (c).

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly inform the House whether it is a fact that the leave and furlough rules which obtain on the East Indian Railway, so far as Europeans are concerned, are more liberal than any rules enjoyed by any department or service in India ?

Mr. A. A. L. Parsons : No.

Lieut.-Colonel H. A. J. Gidney : Is it a fact that on the East Indian Railway three sets of leave rules for subordinate employees are in force, one for Europeans, another for Anglo-Indians, and the third for Indians ?

Mr. A. A. L. Parsons : I am afraid that I must ask for notice of that question. I do not remember at the moment.

Lieut.-Colonel H. A. J. Gidney : Is it a fact that in the category of European are included European covenanted hands, domiciled Europeans, Europeans enlisted in India, and fair-complexioned Anglo-Indians ?

Mr. A. A. L. Parsons : I must again ask for notice.

Lieut.-Colonel H. A. J. Gidney : Is it a fact that there are instances on the East Indian Railway in which one brother.....

Mr. President : Order, order. The Honourable Member may put down these questions on paper.

GRANT OF REBATES TO UNITS BY THE ARMY CANTEN BOARD.

13. ***Colonel J. D. Crawford :** (a) Will Government please state the scale at which rebates have been granted to units by the Army Canteen Board ?

(b) Is the average of these rebates the same as, in excess of, or lower than the average rebates granted by the old contractors ?

(c) Have rebates due to units been paid in full ?

(d) Do Government propose to compensate units for any loss that has been incurred by them under the Army Canteen Board ?

Mr. E. Burdon : (a) Rebate is paid by the Army Canteen Board, India, at the rate of $7\frac{1}{2}$ per cent. on all cash received on account of messing bills and cash sales to British troops, except in the case of cash sales to officers messes and certain other customers on which a discount of 5 per cent. is allowed.

Rebate at 5 per cent. is paid on all cash received at Institutes conducted for Indian troops.

(b) The average of the rebate paid by the Army Canteen Board (India) is approximately the same as that granted by the contractors. Some units now receive more and others less. Rebate was paid by contractors on a "per capita" basis, while the amount paid by the Army Canteen Board (India) varies according to the amount of the sales.

(c) Yes.

(d) In view of the reply which I have just given to part (c), this question does not arise.

Mr. K. C. Roy : May I ask the Army Secretary what is the approximate figure of rebate ?

Mr. E. Burdon : It is in the neighbourhood of Rs. 2-8-0 per head.

Mr. K. C. Roy : But what is the monthly rebate ? I understand that it is roughly Rs. 1,200 a month paid by the Canteen Board.

Mr. President : The Honourable Member is giving information, not seeking it.

PUBLICATION OF THE REPORT OF THE ROYAL COMMISSION ON CURRENCY.

14. ***Mr. B. Das :** (a) Will Government be pleased to state when they expect to publish the Report on the Royal Commission on Currency ?

(b) Will Government be pleased to state if they intend to bring up the Report in the current Session for discussion in the Assembly ?

The Honourable Sir Basil Blackett : I shall answer questions Nos. 14, 15 and 35 together. The intentions of the Government of India have been set forth in the Press Communiqué issued on the 4th instant simultaneously with the Report of the Commission.

Mr. B. Das : Will the Honourable Member be pleased to state why Government did not see their way to publish the appendices, as mentioned in the minute of dissent by Sir Purshotamdas Thakurdas, for public information ?

The Honourable Sir Basil Blackett : The appendices were published immediately on their receipt from England. The reason why they were not published before was that they were not received.

Mr. B. Das : Are they available for our information ?

The Honourable Sir Basil Blackett : Copies are placed in the Library for those Honourable Members who may desire to see them.

Mr. M. A. Jinnah : How many pages are there ?

The Honourable Sir Basil Blackett : That is a sum which I will leave the Honourable Member to work out for himself.

Mr. M. A. Jinnah : Will the Honourable Member tell us how long it will take for an ordinary man to go through the appendices ?

The Honourable Sir Basil Blackett : Mr. Jinnah being an ordinary man can no doubt find out for himself.

TRANSFER OF THE CONTROL OF THE CURRENCY DEPARTMENT TO THE IMPERIAL BANK OF INDIA.

†15. ***Mr. B. Das :** (a) Will Government be pleased to state if they have decided to transfer the Currency Department to the control of the Imperial Bank ?

(b) What steps, if any, are being taken to convert the Imperial Bank of India into the State Bank of India ?

DISCUSSION BY THE LEGISLATIVE ASSEMBLY OF THE REPORT OF THE ROYAL COMMISSION ON CURRENCY.

†35. ***Mr. B. Venkatapatiraju :** Will the Government be pleased to state whether they propose to place the report of the Currency Committee before the Assembly for discussion during the August-September Session ?

LEGAL PROCEEDINGS AGAINST THE ALLIANCE BANK OF SIMLA, LIMITED.

16. ***Mr. B. Das :** (a) Will Government be pleased to state if the Secretary of State for India has any legal suits pending against any of the Directors of the Alliance Bank of Simla, Limited ?

(b) Is it a fact that the Boulton Brothers were found not guilty in a British Court ?

(c) What were the total expenses incurred on these prosecutions ? Are these expenses to be borne by the Government of India ?

The Honourable Sir Basil Blackett : The reply to part (a) is in the negative and that to part (b) is in the affirmative. As regards part (c), the total charge against Indian revenues in connection with the prosecutions was £2,661-3-5.

LIQUIDATION OF THE ALLIANCE BANK OF SIMLA, LIMITED.

17. ***Mr. B. Das :** Will Government be pleased to make a statement to the House on the liquidation of the Alliance Bank of Simla ? Are there any liabilities to be paid by the Government of India on the same ?

The Honourable Sir Basil Blackett : I would invite the Honourable Member's attention to the reply given by me on the 8th September 1924 to his question No. 1870 on this subject. I then made it clear that, as the Liquidators were able to pay a 50 per cent. dividend, the Government of India were free from any financial liability whatever in respect of their guarantee to the Imperial Bank of India.

OCCUPATION BY AN INDIAN OF THE POSITION OF AGENT OF ANY OF THE STATE RAILWAYS.

18. ***Mr. B. Das :** Will Government be pleased to state if any Indian is at present occupying the position of Agent of any of the State Railways ?

The Honourable Sir Charles Innes : The reply is in the negative.

APPOINTMENT OF INDIANS AS DEPUTY AGENTS OF RAILWAYS.

19. ***Mr. B. Das :** (a) Will Government be pleased to state the names of the Railways (State or Company managed) which have Deputy Agents on their staff ?

(b) Will Government be pleased to state the number of such Deputy Agents that each Railway has been allowed to appoint ?

(c) Has any Indian been appointed to the post of Deputy Agent so far in any of these Railways ?

(d) Have Government considered the question of appointing as Deputy Agents any Indian in the Engineering or Traffic Departments ?

The Honourable Sir Charles Innes : (a) and (b). The names of Railways (State or Company-managed) which have Deputy Agents on their staff and the number of Deputy Agents on each are given below :—

Assam Bengal Railway	1
Bombay, Baroda and Central India Railway	2
Bengal Nagpur Railway	1
Eastern Bengal Railway	1
East Indian Railway	2
Burma Railways	1
Great Indian Peninsula Railway	2
Madras and Southern Mahratta Railway	2
North-Western Railway	2
Rohilkund and Kumaon Railway	1

(c) No.

(d) These appointments are made by selection from officers of the requisite experience and qualifications.

APPOINTMENT OF AN INDIAN ACCOUNTANT GENERAL AS AN AGENT OF A RAILWAY.

20. ***Mr. B. Das :** (a) Is it a fact that an Agent of a Railway need not be an Engineer in every case ?

(b) Is it a fact that Agents have been appointed from the rank of railway accountants ?

(c) Have Government ever considered the question of appointing any Indian Accountant General of Railways as Agent of a Railway ?

The Honourable Sir Charles Innes : (a) and (b) The reply is in the affirmative.

(c) These are selection appointments and the best officer available is appointed when a vacancy occurs.

APPOINTMENT OF INDIANS TO SUPERIOR POSTS ON RAILWAYS.

21. ***Mr. B. Das :** (a) With reference to the reply to starred question No. 1007 of 26th February last, will Government be pleased to state what is the total number of recruitments for superior posts on Indian Railways for 1926-27 and what has been the proportion of Indian recruits ?

(b) Will Government be pleased to state the number of such officers taken by respective State Railways giving the number of Indians and non-Indians ?

The Honourable Sir Charles Innes : (a) and (b) Full information with regard to recruitment for the Superior Services of State Railways for the year 1926-27 cannot be furnished now. The present position is that we have so far recruited 8 officers, of whom 5 are Indians. These officers have been posted to the following Railways :—

- 1 Royal Engineer (European) .. Great Indian Peninsula Railway.
- 1 Assistant Officer Commercial (Indian) Great Indian Peninsula Railway.
- 2 Probationary Electrical Engineers North-Western Railway.
(Indian).
- 1 Probationary Electrical Engineer East Indian Railway.
(Indian).
- 1 Probationary Assistant Controller of Great Indian Peninsula Rail-
Stores (Indian).
- 1 Assistant Signal Engineer (European) North-Western Railway.
- 1 Assistant Coal Superintendent (Euro-State Railways.
pean).

As far as can be foreseen at present, Government will probably recruit 51 more officers consisting of—

- 21 Civil Engineers.
- 11 Transportation (Traffic and Commercial) Officers.
- 4 Bridge Engineers.
- 5 Signal Engineers.
- 4 Electrical Engineers, and
- 6 Mechanical Engineers.

The recruitment of 21 Civil Engineer officers will be as follows :—

- 2 Royal Engineer officers.
- 7 European officers to be recruited from England of whom 3 are due on last year's indent.
- 9 officers of Indian domicile to be recruited in India of whom 2 will be from Roorkee.
- 3 subordinates to be promoted.

The 11 Transportation (Traffic and Commercial) officers will be recruited as follows :—

- 1 Royal Engineer officer.
- 2 European officers to be recruited from England.
- 6 officers of Indian domicile to be recruited in India.
- 2 subordinates to be promoted.

For the 6 Mechanical Engineer appointments the provisional arrangement is to recruit 5 Indian apprentices and 1 Production Engineer who is being obtained from England. This is subject to alteration as the cadre is at present under revision.

As regards Electrical Engineers, 2 are being recruited from England and 2 more probationary Assistant Electrical Engineers will probably be recruited in India if men of suitable qualifications can be obtained.

Excluding one Signal Engineer appointment to which it is proposed to appoint a subordinate, the Secretary of State has been asked to recruit Bridge and Signal Engineers in England, as suitably qualified candidates are not available in this country. I may mention that Indians are also eligible for recruitment by the Secretary of State in England for these as well as for the appointments in the Mechanical Engineering Department.

EXPENDITURE BY COMPANY-MANAGED RAILWAYS ON THE GRANT OF THE LEE COMMISSION'S CONCESSIONS TO THEIR SUPERIOR OFFICERS.

22. *Mr. B. Das : (a) Will Government be pleased to state if all the Company-managed Railways have accepted the recommendations of the Lee Commission for their superior officers ?

(b) What is the additional sum that the Company-managed Railways will expend on the grant of privileges recommended by the Lee Commission ?

(c) Will Government be pleased to state if all such Company-managed Railways have accepted the principle of recruitment of 75 per cent. Indians to the superior services ?

The Honourable Sir Charles Innes : (a) Yes.

(b) Rs. 13 lakhs per annum, but the charge will decrease with the progress of Indianisation.

(c) Yes.

RECRUITMENT OF INDIANS AND NON-INDIANS TO SUPERIOR POSTS ON COMPANY-MANAGED RAILWAYS.

23. ***Mr. B. Das :** (a) Will Government be pleased to state the number of superior posts recruited this year (1926-27) by respective Company-managed Railways and the number of Indians and non-Indians recruited by each ?

(b) How many of such Indian officers are new recruits, and how many of them have received departmental promotion ?

(c) In case of departmental promotions from the subordinate staff to the superior services, does the Railway Board satisfy itself that officers so promoted are duly qualified and are not obstructing the chances of young qualified recruits ?

The Honourable Sir Charles Innes : (a) and (b). Information for the year 1926-27 is not available. A statement giving the information for the period from 1st April to 30th June 1926 is, however, placed on the table.

(c) The promotion of subordinates to the Superior Services of the Company-managed Railways rests entirely with the Boards of Directors of the Companies and the Government of India are not concerned.

Statement showing the number of Indian and non-Indian officers recruited by the Company-worked Railways during the period from 1st April 1926 to 30th June 1926.

Railways.	Number of Indian recruits.		Number of non-Indian recruits.		Remarks.
	Appointed direct.	Subordinates promoted permanently.	Appointed direct.	Subordinates promoted permanently.	
Assam Bengal ..	1	..	1	1	
Bengal Nagpur ..	..	..	2	..	
Bengal & North Western	..	..	..	1	
Bombay, Baroda and Central India.	1*	..	1*	..	*Appointed from the temporary staff
Burma	1†	..	..	..	†Burman.
Madras and Southern Mahratta.	..	..	..	..
Rohilkund and Kumaon	..	..	..	2	
South Indian ..	1	2	1*	..	

PERSONNEL OF THE LOCAL ADVISORY COMMITTEES APPOINTED BY THE BENGAL NAGPUR RAILWAY AT ADRA, NAGPUR, CALCUTTA AND VIZAGAPATAM.

24. ***Mr. B. Das :** (a) Will Government be pleased to state the dates on which the Bengal Nagpur Railway appointed the personnel of their Local Advisory Committees for the four centres—Adra, Nagpur, Calcutta and Vizagapatam ?

(b) Will Government be pleased to lay on the table a list of members of these Local Advisory Committees of the Bengal Nagpur Railway ?

(c) Have these Advisory Committees held any sittings so far ? If so, how often ?

Mr. A. A. L. Parsons : (a) and (b). The Agent is now engaged in selecting members of the Calcutta and Vizagapatam Local Advisory Committees. After these two Committees have been constituted the establishment of the two other Committees will follow.

(c) No.

Mr. K. Ahmad : Do Government propose to consider seriously the question of the appointment of members for these Advisory Committees ? Is it not proper for them to nominate able and experienced persons to be members of these Advisory Committees ?

Mr. A. A. L. Parsons : We have already got able and experienced members on our Advisory Committees.

Mr. K. Ahmed : But are they all men of ability and experience, Sir, with what knowledge ?

APPOINTMENT OF LOCAL ADVISORY COMMITTEES BY THE BENGAL NAGPUR RAILWAY FOR THE ORIYA-SPEAKING TERRITORIES TRAVERSED BY THE RAILWAY.

25 ***Mr. B. Das :** (a) Are Government aware that the people of Orissa feel very much aggrieved that no town of Orissa has been chosen as one of the centres of these Local Advisory Boards ?

(b) Is it a fact that the Bengal Nagpur Railway traverses large Oriya-speaking territories and handles large mineral resources of Orissa ?

Mr. A. A. L. Parsons : The location of these Committees is a matter for the Agent to decide.

A copy of the question has, however, been forwarded to the Agent, Bengal Nagpur Railway.

AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

26. ***Mr. B. Das :** (a) Will Government be pleased to state if they have come to any decision on the Report of the Phillip-Duff Commission regarding the amalgamation of the Oriya-speaking tracts ?

(b) Is it a fact that under section 52A of the Government of India Act, the Governor General in Council can transfer part of any district from one Province to another ?

(c) Are Government considering the question of applying section 52A of the Government of India Act to the Oriya speaking tracts ?

The Honourable Sir Alexander Muddiman : (a) No.

(b) I do not read section 52A of the Government of India Act as conferring this power on the Governor General in Council.

(c) Does not arise.

Mr. B. Das : May I enquire if Government are aware of the fact that the letter they circulated to Provincial Governments was utilised for electioneering purposes by a Madras Minister and was circulated broadcast in his constituency, a fact which was commented upon in the Madras Papers ?

The Honourable Sir Alexander Muddiman : No, Sir, I am not aware of that.

Mr. B. Das : Will the Honourable Member kindly enquire into the fact ? It was published in all the Madras papers, especially the *Hindu* and *Swarajya*.

The Honourable Sir Alexander Muddiman : If the Honourable Member will give me full details, I will be in a position to enquire into the matter.

CIRCULATION OF REPORTS OF COMMITTEES AND COMMISSIONS TO MEMBERS OF THE LEGISLATIVE ASSEMBLY.

27. ***Mr. B. Das :** (a) Will Government be pleased to state which officer of any particular Department of the Government of India decides whether a particular report of a Committee or Commission relating to that Department will have to be circulated to the Members of the Assembly.

(b) Is the Honourable Member in charge of the Department consulted in every case ?

The Honourable Sir Alexander Muddiman : (a) A number of copies of all published reports are placed in the Members' Library for reference. A Member who requires a copy of a particular publication for his personal use is given one, under standing orders, if he applies for it. But it is not the practice to distribute copies of such reports to Members, whether they apply for them or not, unless the report in question is about to be discussed formally in the Assembly.

(b) The above procedure is a matter of routine and the orders of the Member in Charge of the Department are not normally required for carrying it out.

REPORT OF THE RAVEN COMMITTEE.

28. ***Mr. B. Das :** (a) Will Government be pleased to state the total amount of expenditure on the Raven Committee for standardisation of railway workshop manufacture ?

(b) Will Government be pleased to state the amount of money spent on the publication of this Committee's Report ?

(c) How many copies of this Report were published ?

(d) How many copies of the same have so far been sold to the public ?

(e) How many copies have been distributed amongst officials of the Government of India ?

Mr. A. A. L. Parsons : (a) Rs. 64,294.

(b) Rs. 3,446.

(c) 750.

(d) 270 copies up to 10th August 1926.

(e) Sixty-eight copies of the Report have been supplied to Government officials, in addition to which twenty-seven copies have been distributed to the Press, the Legislative Library, the Standing Finance Committee, and such public bodies as are usually supplied with free copies of Government publications.

CIRCULATION OF THE REPORT OF THE RAVEN COMMITTEE TO MEMBERS OF THE LEGISLATIVE ASSEMBLY.

29. ***Mr. B. Das :** (a) Will Government be pleased to state what would have been the additional expenditure to the Government if they had circulated copies of the Raven Committee's Report to the Members of the Assembly ?

(b) Will Government be pleased to state if it is the Railway Board or the Department of Commerce that decided that the Raven Committee Report should not be circulated to the Members of the Assembly ?

(c) Is it not a fact that the Railway Board's attitude in the past has always been to pigeonhole Reports lest they should attract public criticism ?

Mr. A. A. L. Parsons : (a) Rs. 1,062.

(b) Six copies of the Report were sent to the Legislative Department to be placed in the Library of the Legislature.

(c) The reply is in the negative.

ISSUE OF FIRST CLASS PASSES TO MR. ABDULLA KHAN, SAID TO BE THE GENERAL SECRETARY OF THE PASSENGER PROTECTION SOCIETY OF INDIA.

30. ***Dr. K. G. Lohokare :** 1. (a) Will Government please state whether one Mr. Abdulla Khan, said to be from Lucknow, poses as a General Secretary of the Passenger Protection Society of India ?

(b) Is it a fact that a first class travelling pass has been issued by the Great Indian Peninsula and Bengal Nagpur Railways to one Mr. Abdulla Khan, who professes to be the General Secretary of the Passenger Protection Society of India, and that it is so being issued continuously for the last 10 or 12 years ?

2. Will Government please state whether they have given any authority or credentials to the said Mr. Abdulla Khan in his capacity as such General Secretary so as to entitle him to a permanent first class travelling pass ?

3. Is it a fact that the said Mr. Abdulla Khan calls himself Nawab in his alleged official letters ?

4. Is it a fact that the office of the said Mr. Abdulla Khan or the General Secretary of the Society can not be traced to any place, and that the

letters addressed to the said General Secretary at the alleged offices at Lucknow, Bombay, Delhi, and Simla are returned to correspondents by the Dead Letter Office ?

5. Will Government please say whether any such Society exists to their knowledge and whether the said Mr. Abdulla Khan may or may not be the Secretary of the Society ?

6. Is it a fact that the Chief Inspector of Food on the Great Indian Peninsula Railway is a close relation of the said Mr. Abdulla Khan and has been appointed to the post on recommendations from this Mr. Abdulla Khan ?

7. Is it a fact that Mr. Abdulla Khan was making an earnest effort by frequently writing to the authorities of the Bengal Nagpur Railway for employment as Food Inspector on behalf of one Mr. Ijaza Ali Kidwai, another of his close relations ?

Mr. A. A. L. Parsons : Government have no detailed information on the points raised by the Honourable Member. Certain Railways used to issue passes to Mr. Abdulla Khan, but this privilege has been withdrawn. The Passenger Protecting Society is not officially recognised by Government and any work done by Mr. Abdulla Khan on behalf of this Society is done on his own responsibility.

THE "VITA" DROWNING FATALITY.

31. ***Mr. Harchandrai Vishindas :** (a) Is it a fact that on the 4th May last six out of the passengers discharged from the British India Steam Navigation Company's steamer "Vita", into Machwa "Naini Kichow" also belonging to the same company, to land at the port of Cutch Mandvi were drowned on account of stormy weather and high seas ?

(b) Have Government in contemplation any means to avoid such fatalities in future ?

(c) Do Government propose to direct the Steam Navigation Company to provide steam launches in lieu of country sailing crafts for the landing of passengers ?

(d) Do Government propose to order better landing facilities on the shore, say, a pier or quay, instead of the present conditions ?

(e) Have Government in contemplation the recognition of the heroic services of tindal Ebrahim who saved so many lives during the "Vita" drowning fatality ?

The Honourable Sir Charles Innes : (a) Yes, but the "Machwa" in question did not belong to the British India Steam Navigation Company.

(b) and (c). Enquiries are being made regarding the possibility of improving the methods of embarkation and disembarkation of passengers.

(d) As the port in question is not in British India the Government of India are not in a position to issue orders in the matter.

(e) Yes.

REPRESENTATION OF LABOUR AND THE DEPRESSED CLASSES ON THE PROVINCIAL AND CENTRAL LEGISLATURES.

32. ***Mr. B. Venkatapatiraju :** (a) Will the Government be pleased to state whether the Government of India as stated by Earl Winterton propose to create additional seats in Provincial Councils before the next election for labour and depressed classes representatives ?

(b) Will the additional seats be thrown open for election ?

(c) Is it contemplated to enlarge the Assembly representation for Labour and Depressed classes ?

The Honourable Sir Alexander Muddiman : (a) and (b). As a result of the recommendations of the Reforms Enquiry Committee, additional nominated seats have been created in the Madras, Bombay, Punjab and Central Provinces Legislative Councils for increased representation of labour and the depressed classes. For details I invite the Honourable Member's attention to the Home Department Notifications No. F.-290/9/25-Public to F.-290/9-3/25-Public, dated the 9th August 1926.

(c) No.

Mr. B. Venkatapatiraju : I have not received an answer to (b), as to whether they will be thrown open for election.

The Honourable Sir Alexander Muddiman : If the Honourable Member will read the Notification he will see they will not be thrown open for election.

NOMINATION OF A REPRESENTATIVE OF THE INDIAN CHAMBERS OF COMMERCE TO THE NINTH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

33. ***Mr. B. Venkatapatiraju :** (a) Will the Government be pleased to state whether any Indian representative of the Indian Chambers of Commerce has been nominated or is proposed to be nominated to the Ninth Session of the International Labour Conference ?

(b) Is it a fact that Mr. Narottam Morarji was appointed as adviser to Sir Arthur Froom appointed as the Employers' delegate, and that he declined it on the ground that it would be humiliating to the Indian Chambers of Commerce ?

(c) Do the Government propose to appoint an Indian delegate to represent the Indian shipping interests ?

(d) Is it a fact that Sir Arthur Froom was the only Englishman who opposed the recommendations of the Mercantile Marine Committee with Commander Headlam as Chairman and Sir John Biles, Naval Architect of the Secretary of State, as a member ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). The Honourable Member is referred to the reply given on the 24th March 1926 to question No. 1393, asked by Mr. B. Das in the Legislative Assembly. Government were not informed of the reasons which prompted Mr. Narottam Morarji to refuse the offer of appointment as Adviser to the Ninth Session of the International Labour Conference, which, I may add for the information of the Honourable Member, came to an end on the 24th June 1926.

(c) Does not arise.

(d) Sir Arthur Froom disagreed only with certain recommendations made by his colleagues in Chapter III of the Report of the Indian Mercantile Marine Committee.

INDENTS FOR THE PURCHASE OF STORES ON THE INDIAN STORES DEPARTMENT,
LONDON.

34. ***Mr. B. Venkatapatiraju** : (a) Will the Government be pleased to state whether they have received any protest from the Indian Merchants' Chamber, Bombay, against the manner in which some of the departmental officers were sending their indents to the Indian Stores Department, London, particularly requiring the purchase of certain brands of goods only in preference to all others even of British make and standard at a much higher cost ?

(b) Is it a fact that one indenting officer insisted on cement of the Associated Portland Cement Company at £11,100 as against £9,900 quoted by another British firm ? Is it a fact that Indian cement of the same standard cannot be had even in India itself much cheaper ?

(c) Is it a fact that another indenting officer insisted upon Dickinson's paper at £ 2,487, fifty per cent. higher than the tender of another firm ?

(d) It is a fact that pugree cloth was purchased at a higher cost when equally good material can be had in India ?

(e) Do the Government propose to take any steps to prevent the waste of public money and the utter neglect of India's economic interests ?

(f) Do the Government propose to extend the new rules relating to the supply of stationery and printing stores for the Public Service to the supply of other goods to encourage Indian industries and economise expenditure ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) Yes. The cement in question was required for use in Burma where circumstances make it difficult for Indian cement to compete.

(c) Yes. The matter was fully investigated by the Government of India and it was ascertained that paper of the quality required was not manufactured in India and could not be manufactured by any of the existing paper mills in the country. I may also mention for the Honourable Member's information that in both these cases the stores in question were ordered by officers under a Provincial Government and that Local Governments of Governors' Provinces enjoy full powers in regard to the purchase of stores required by them. The Government of India have therefore no power to interfere in the matter.

(d) An indent for 6,67,500 yards of khaki pugree cloth was received by the Chief Controller of Stores, Indian Stores Department. Of this quantity 3,60,000 yards were demanded immediately from stock and the balance was to be supplied within a short time. Simultaneous tenders were called for by the Chief Controller in India and England and the result was that English prices were substantially lower. The indenter was therefore advised to indent for the pugree cloth on the London Stores Department.

(e) It has always been the policy of the Government of India to discourage indenting officers from restricting the sources of supply to a specified firm or firms and to insist, except in special cases, on their sending with indents full particulars and designs so as to enable the Stores Department to place the orders in the cheapest market consistent with efficiency.

(f) The Rules for the supply of stationery and printing stores for the Public Service for the most part follow closely the Rules for the supply of other articles for the Public Service, and the policy underlying both sets of rules is the same, namely, to encourage the industries of the country, so far as is consistent with economy and efficiency.

Mr. B. Das : In view of the fact that the Provincial Governments and the Central Government are acting independently and are getting their stores independently, will Government convene a conference of the representatives of the Provincial Governments and advise them to get their stores through the Chief Controller of Stores ?

The Honourable Sir Bhupendra Nath Mitra : The Central Government sees no reason to interfere in the matter.

35. (See after question No. 15.)

RECRUITMENT BY LOCAL GOVERNMENTS OF THE PERSONNEL REQUIRED FOR THE TRANSFERRED BRANCHES OF THE ADMINISTRATION.

36. ***Mr. B. Venkatapatiraju :** Will the Government be pleased to state :

- (a) how far the recommendations of the Lee Commission were given effect to ?
- (b) whether the personnel required for the transferred branches of the administration are now being recruited by Local Governments excepting the medical services ?
- (c) whether the Secretary of State delegated the powers under section 96B of the Government of India Act to enable the Local Governments to make rules to regulate the services in the transferred fields as well as the Provincial Services ?

The Honourable Sir Alexander Muddiman : (a) The Honourable Member is referred to the statement made in reply to part (b) of Diwan Bahadur M. Ramachandra Rao's question (No. 181) on the 25th August 1925. Of the outstanding questions mentioned therein, rules for the delegation of control over Provincial Services were published with the Home Department Notification of the 1st April 1926 and those for the delegation of control over Central Services will probably be made by the end of next month. As to the establishment of the Public Service Commission, the Honourable Member is doubtless aware that the Chairman and Members have been appointed by the Secretary of State in Council and that the Commission will begin to function early in October next.

(b) and (c). The position is explained in the recent communiqué of which I lay a copy on the table. With regard to (c) I should add that Local Governments have not been empowered to make rules regulating the

conditions of service of all-India Services, while the sanction of the Secretary of State in Council or the Governor General in Council, as the case may be, is required to any rule that would affect adversely any existing member of the Services working under Local Governments, whether all-India or Provincial.

COMMUNIQUE.

Some of the most important recommendations of the Lee Commission were those which related to the future of the services operating in the transferred field of administration. The services chiefly affected were the Indian Educational Service, the Indian Agricultural Service, the Indian Veterinary Service, the Roads and Buildings Branch of the Indian Service of Engineers and the Indian Forest Service in Burma and Bombay. The recommendations of the Commission were *firstly*, that no further recruitment should be made by the Secretary of State for these services; *secondly*, that the personnel required for these branches of administration should in future be recruited and appointed by local Governments. In order to give effect to this policy it was further recommended that the Secretary of State should delegate to Local Governments under section 96B (2) of the Government of India Act authority to fix the conditions of service and appointment of these new services and to regulate all matters concerning them.

2. These recommendations were accepted by the Government of India and the Secretary of State. Orders were issued soon after the publication of the Lee Commission Report discontinuing all fresh recruitment to these All-India Services. The drafting of the necessary rules for the delegation of the Secretary of State's power to Local Governments proved to be a matter of considerable complexity; but two Resolutions issued recently by the Home Department contain rules made by the Secretary of State in Council on the 9th March 1926 which delegate to Local Governments full powers to regulate their provincial services not only on the transferred but also on the reserved side. These powers will now enable Local Governments to proceed with the policy advocated by the Lee Commission, namely, the building up of new provincial services to take the place of the old All-India Services on the transferred side, recruitment for which has, as already explained, been discontinued for some time.

REORGANISATION OF THE MEDICAL SERVICES.

37. ***Mr. B. Venkatapatiraju :** Have any and, if so, what steps been taken to reorganise the medical services and constitute a new civil medical service ?

Mr. J. W. Bhore : The matter is under consideration.

INDIANISATION OF THE INDIAN CIVIL SERVICE AND THE INDIAN POLICE SERVICE.

38. ***Mr. B. Venkatapatiraju :** (a) In the matter of the Indianisation of the Indian Civil Service to the extent of half and half within 15 years, has the recruitment of 40 per cent. Indians to be direct and 20 per cent. promoted from the Provincial Service been put into force ? What was the actual number of new recruits in 1924-25 and 1925-26 and how many of them were Europeans and how many Indians and how many promoted from the Provincial Services ?

(b) In the recruitment for the Indian Police Service is 30 per cent. Indian direct recruitment and 20 per cent. promoted observed ? What was the actual number recruited in 1924-25 and 1925-26 of Europeans and Indians respectively, and the number of Indians promoted ?

The Honourable Sir Alexander Muddiman : (a) and (b). The proportion of Indians recommended by the Lee Commission for direct recruitment in these services has been adopted beginning with the recruitment for 1925, but the increase in the number of posts filled by promotion

from Provincial Services to 20 per cent. is being introduced gradually as the position in each province allows. The actual number of officers recruited in 1924-25 and 1925-26 is as follows :—

	Europeans.	INDIANS.	
		Direct.	Promoted.
Indian Civil Service	{ 1924-25 7 { 1925-26 3	16	..
As regards the Indian Police Service.	{ 1924-25 8 { 1925-26 14	8	5

INDIANISATION OF THE INDIAN FOREST SERVICE.

39. ***Mr. B. Venkatapatiraju :** Is the recommendation of recruitments for the Indian Forest Service by having 75 per cent. Indians observed, and how many were recruited in 1924-25 and 1925-26, Europeans and Indians, respectively ?

Mr. J. W. Bhore : Yes ; in 1924-25 six Indians and two Europeans ; in 1925-26 four Indians and one European.

INDIANISATION OF THE INDIAN SERVICE OF ENGINEERS.

40. ***Mr. B. Venkatapatiraju :** Is the recruitment of 40 per cent. Indians direct and 20 per cent. promoted observed in the Indian Service of Engineers and how many were recruited and promoted in 1924-25 and 1925-26, and how many Europeans were recruited in the same period ?

The Honourable Sir Bhupendra Nath Mitra : It has only recently been decided that the 60 per cent. Indian recruitment to the Indian Service of Engineers in the Irrigation Branch in provinces in which that Branch has been separated from the Buildings and Roads Branch, and in Assam, shall be divided into 40 per cent. direct-recruited Indians and 20 per cent. officers promoted from the provincial engineering services, and that the 67 per cent. Indian recruitment to the Service in Madras, which is the only province where the Irrigation Branch has not been or will not shortly be separated from the Buildings and Roads Branch, shall be divided into 45 per cent. direct-recruited Indians and 22 per cent. officers promoted from the provincial engineering services. Local Governments will shortly be informed of this decision.

The number of officers recruited and promoted to the Indian Service of Engineers in 1924-25 and 1925-26 is given below :

Year.	Europeans.	Direct-recruited Indians.	Promoted officers.
1924-25	11	14	1
1925-26	8	13	Nil, but it is proposed to promote 4 officers with effect from 1st October 1925.

RECRUITMENT OF INDIANS FOR THE POLITICAL DEPARTMENT.

41. ***Mr. B. Venkatapatiraju :** Is the recruitment of 25 per cent. Indians for the Political Department given effect to and if not, why not ?

Sir Denys Bray : Yes, it is being slightly exceeded.

RECRUITMENT FOR THE IMPERIAL CUSTOMS SERVICE.

42. ***Mr. B. Venkatapatiraju :** Is the recruitment for the Imperial Customs Service limited to half, and if so, in the Indian Branch how many Indians and how many domiciled Europeans or Anglo-Indians were recruited in 1925-26 ?

The Honourable Sir Basil Blackett : Excluding officers promoted from the subordinate ranks, appointments in the Imperial Customs Service are made in the proportion of two in India to one in England.

During the year 1925-26 there were no substantive appointments by promotion ; there were three officers appointed direct, of whom all were Indians, none being Anglo-Indians.

RECRUITMENT FOR THE SUPERIOR TELEGRAPH AND WIRELESS BRANCH.

43. ***Mr. B. Venkatapatiraju :** Were 75 per cent. of the Superior Telegraph and Wireless Branch recruited in India in 1925-26, and if so, how many were Indians and how many Anglo-Indians ?

The Honourable Sir Bhupendra Nath Mitra : During 1925-1926 there was no recruitment for the Superior Telegraph Engineering Branch. One officer was recruited for the Wireless Branch and he is an Indian.

INDIANISATION OF THE SERVICES ON STATE RAILWAYS.

44. ***Mr. B. Venkatapatiraju :** What steps were taken for Indianising the Services on State Railways, and was recruitment of the Services in other Railways improved in the matter of Indianisation, and what is the total number and number of Indians and Anglo-Indians actually recruited in 1925-26 in State and other Railways, respectively ?

Mr. A. A. L. Parsons : (a) The Government of India have accepted the recommendation contained in paragraph 42 (d) of the Lee Commission Report.

The attention of the Honourable Member is invited to the Government of India Resolution No. 2058-E., dated 15th July 1926, published in the Gazette of India of the 17th July 1926.

(b) 33 officers were recruited for the Superior Railway Services of State-managed Railways in 1925-26, of whom 12 were Indians and the rest Europeans. The low proportion of Indians is due to the fact that the great majority of the appointments were appointments of Mechanical and Electrical Engineers. Similar information is not available for Company-worked Railways. I may however remind the Honourable Member that the policy of Indianization has been accepted by the Company-worked Railways only very recently.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly inform the House, of the Indians who were recruited for the Superior Railway Services, how many were Anglo-Indians ?

Mr. A. A. L. Parsons : I have not got the figures here.

STOPPAGE OF THE OPEN COMPETITIVE EXAMINATION FOR THE INDIAN CIVIL SERVICE IN INDIA.

45. ***Mr. B. Venkatapatiraju :** Was there any proposal from any quarter for stopping the open competitive examination for the Indian Civil Service in India, and if so, who recommended it and what is the nature of the recommendation and what is the final decision of the Government ?

The Honourable Sir Alexander Muddiman : I invite the Honourable Member's attention to paragraph 104 (c) of the Lee Commission's Report.

The question will doubtless in due course be one for consultation with the Public Service Commission.

INTERDEPENDENCE OF THE MAIN RECOMMENDATIONS OF THE LEE COMMISSION.

46. ***Mr. B. Venkatapatiraju :** Have the Government given due effect to the statement that the main proposals in the Lee Commission Report are vitally interdependent and should be considered as a whole, and if not what are the reasons for modifying the proposals so as to prejudicially affect Indian interests ?

The Honourable Sir Alexander Muddiman : The Government of India have always recognised the importance of the statement in question, and I am not aware that we have in any way modified the proposals so as prejudicially to affect Indian interests. If the Honourable Member will tell me what he has in mind I shall be glad to consider it.

AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

47. ***Mr. B. Venkatapatiraju :** Will the Government be pleased to state whether the Government of India received any fresh proposals from the Local Governments in regard to the grouping of the Oriya-speaking areas under one administration after they were returned for reconsideration by the Government of India ?

The Honourable Sir Alexander Muddiman : The Government of India have addressed the Governments of Bihar and Orissa, Madras and the Central Provinces on certain points and their replies are awaited.

RECOMMENDATIONS OF THE INDIAN TERRITORIAL AND AUXILIARY FORCES COMMITTEE.

48. ***Mr. B. Venkatapatiraju :** (a) Will the Government be pleased to state what steps are being taken to give effect to the recommendations of the Indian Territorial and Auxiliary Forces Committee ?

(b) Have racial distinctions been removed in the constitution of non-regular military forces in India including the Auxiliary Force ?

(c) What are the reasons for the delay in giving effect to the recommendations which were published on the 23rd February 1925 ?

Mr. E. Burdon : (a) and (b). The views of the Government of India on the Report of the Auxiliary and Territorial Forces Committee are now before the Secretary of State. Government are unable to make any further statement on the subject at present.

(c) I would invite the Honourable Member's attention to the reply given on the 25th January last to part (d) of starred question No. 168.

INAUGURATION OF AN INDIAN NAVY.

49. ***Mr. B. Venkatapatiraju :** Will the Government be pleased to state what steps are being taken for the inauguration of the Indian Navy for the defence of India's coasts, harbours and shipping ? Are the recommendations of the Mercantile Marine Committee likely to be put into speedy operation ?

Mr. E. Burdon : I presume that in the second part of this question, the Honourable Member is referring to the recommendations in Chapter V of the Report of the Indian Mercantile Marine Committee. The decision of His Majesty's Government in the matter was announced by His Excellency the Viceroy in the Council of State on the 9th February 1926. But, as has been explained before, much constructive work has to be done before the Royal Indian Navy can be brought into being. Legislation is necessary both in England and in India ; ships have to be acquired and adapted for use in the tropics ; and details of administration, organisation and finance have to be examined and settled. Very considerable progress has been made in regard to all these matters, but it will take some time before final orders can be issued.

Mr. B. Das : May I enquire, Sir, if Government are going to give us a day to discuss Sir Sivaswamy Aiyar's adjourned Resolution on this subject ?

The Honourable Sir Charles Innes : I will consider the matter in consultation with the Leader of the House if there is any general desire for a further day.

MINIMUM WAGES OF INDIAN LABOURERS IN CEYLON AND MALAYA.

50. ***Mr. B. Venkatapatiraju :** Will the Government be pleased to state whether an opportunity will be given to the Assembly to discuss the proposals regarding the minimum wages of Indian labourers in Ceylon, the Malay States and the Straits Settlements ?

Mr. J. W. Bhore : Proposals regarding the fixation of standard minimum wages of Indian estate labourers in Ceylon and British Malaya have been made after full consultation with the Standing Committee on Emigration, which, as the Honourable Member is aware, includes Members of both Houses of the Legislature. These proposals are now the subject of correspondence between the Government of India and the Colonial Governments concerned. An agreement has almost been reached with the Government of Ceylon, and the Government of India hope to issue a communiqué reviewing the points of settlement as soon as negotiations on certain minor points, which are still under discussion, are completed. If such agreement is reached before the end of the Session, I shall endeavour to find an opportunity to make a statement to the House. Government do not consider that any general discussion of the question is necessary. At this stage it would also be inexpedient, as negotiations are still in progress.

POSITION OF INDIANS IN FIJI.

51 ***Mr. B. Venkatapatiraju :** 1. Will the Government be pleased to state :

- (a) whether any and what steps were taken and with what result for the abolition of the newly imposed poll-tax on all males excepting Fijians in the Fiji Islands ?
- (b) whether the Report of the Fiji Deputation of 1921-22 will be published at all and if so, when ?
- (c) whether a living wage was secured to Indian labourers in Fiji ?
- (d) whether any and what steps are taken to provide shipping for those Indian labourers who are entitled to a free passage to India ?
- (e) whether Indian representation is secured to Indians in the Legislative Councils and municipal bodies ?
- (f) whether any and what steps are taken for providing primary, secondary and technical education for Indians who are debarred from entering the Fijian and European schools already in existence for the purpose ?

2. Will the Government be pleased to state whether they have requested His Majesty's Government to permit an official from India to go to the Fiji Islands and report about the present actual condition of Indians in the Fiji Islands ?

Mr. J. W. Bhore : The position of Indians in Fiji has been the subject of correspondence with the Colonial Office for some time, and the Government of India hope to be able to make a full announcement shortly regarding the results of these negotiations.

POSITION OF INDIANS IN TANGANYIKA.

52. ***Mr. B. Venkatapatiraju :** (a) Will the Government be pleased to state the result of the Government of India's representation to His Majesty's Government about the economic and political condition of Indians in the mandated territory of Tanganyika ?

(b) Will the Government be pleased to state whether the Colonial Office permitted Indians to keep their trade accounts in an Indian vernacular, specially Gujarathi, and whether orders were issued by the Colonial Office for the renewal of trade licences to Indians ?

Mr. J. W. Bhore : (a) The Government of India have not made any representations to His Majesty's Government regarding the political condition of Indians in the mandated territory of Tanganyika, or their economic condition generally.

(b) In reply to question No. 95 asked by Mr. B. Das on 26th August 1925, I stated that the Governor of the Territory proposed to appoint a committee to investigate the question of trade licences and the possibility of raising by alternative methods the revenue at present accruing from the profits tax. The report of the committee has not yet reached the Colonial Office, but section 14 (2) of the Trades Licensing Ordinance, 1923, which specifies the languages in which accounts may be kept, remains in abeyance pending the receipt and consideration of the report of the Committee. Government are not aware that local Indians are experiencing any difficulty in the matter of the renewal of their trade licences.

Mr. B. Das : With reference to the reply of the Honourable Member to part (a), do I understand that in the opinion of the Government of India the time has not yet arisen for representations to His Majesty's Government about the economic and political conditions of Indians in Tanganyika ?

Mr. J. W. Bhore : Will the Honourable Member suggest to me on what points representation should be made ?

Mr. B. Das : I will do that.

POSITION OF INDIANS IN KENYA.

53. ***Mr. B. Venkatapatiraju :** Will the Government be pleased to state whether they have any information that the condition of Indians in Kenya has improved and whether the disabilities imposed on them have been removed and whether Indians enjoy British citizenship rights there ?

Mr. J. W. Bhore : The Honourable Member is referred to the relevant portion of the replies given by me on the 26th August 1925 to Mr. B. Das' Question No. 96 and to the supplementary question asked by the same Honourable Member. I have nothing to add to what I said then.

SAFEGUARDING OF THE INTERESTS OF INDIANS IN EAST AFRICA.

54. ***Mr. B. Venkatapatiraju :** Will the Government be pleased to state whether there is any prospect of the Southborough Committee inquiring into the grievances of Indians in East Africa and whether the report of Major Ormsby-Gore makes any reference to the position of Indians there ? How do the Government propose to safeguard the interests of Indians there ?

Mr. J. W. Bhore : With your permission, Sir, I shall answer the Honourable Member's question in two parts :

(a) As announced by Major the Hon'ble Ormsby-Gore in the House of Commons on the 9th June 1925, the Southborough Committee has ceased

to exist. There is no prospect, therefore, of its conducting any further enquiries.

(b) As regards the second part of the Honourable Member's question, I would invite his attention to the reply given by me on the 26th August 1925 to the question supplementary to Mr. K. C. Neogy's question No. 109, asked by Sir Purshotamdas Thakurdas on that date.

ROUND TABLE CONFERENCE REGARDING THE POLITICAL AND ECONOMIC DISABILITIES OF INDIANS IN SOUTH AFRICA.

55. *Mr. B. Venkatapatiraju : Will the Government be pleased to state when and where the Round Table Conference will be held to consider the political and economic disabilities of Indians in South Africa, and what would be its constitution and the terms of reference ? What are the points on which the South African Union is prepared to co-operate and to discuss in greater detail other than those published in the communiqué ?

Mr. J. W. Bhore : As already announced the Conference will meet at Cape Town on December 14th, 1926. Its scope is generally described in the formula published in the Government of India's communiqué, dated 23rd April. No further details have yet been settled. The personnel of the Indian delegation to the Conference is under consideration. The selection of South African representatives is obviously a matter for the Union Government.

Mr. B. Das : Will Government consult this side of the House regarding the choice of the personnel of the South African Deputation ?

Mr. J. W. Bhore : I can give my Honourable friend the assurance that every endeavour will be made to see that the deputation is as representative as possible.

Mr. B. Das : Was it not a fact that during the last Session the Honourable Member had said he would be in close touch with the leaders of this House over the South African question, and does the Honourable Member now propose to consult the leaders on this side of the House about the personnel of the coming deputation ?

Mr. J. W. Bhore : I have nothing further to add to what I have already said.

SAFEGUARDING OF THE INTERESTS OF INDIAN LABOURERS IN CEYLON AND MALAYA.

56. *Mr. B. Venkatapatiraju : Will the Government be pleased to state whether any and what steps are being taken to safeguard the interests of Indian labourers in Ceylon, the Malay States and the Straits Settlements if they propose to settle in those countries permanently ?

Mr. J. W. Bhore : As the Honourable Member is aware emigration of unskilled Indian labour to Ceylon, etc., has been allowed on conditions, approved by the Indian Legislature which seek to ensure that while working as a labourer, his interests will so far as possible be adequately safeguarded. The Government of India have appointed Agents in both countries to look after the Indian labourer. They are not aware that in

either of the Colonies mentioned by the Honourable Member any obstacles exist to the permanent settlement of Indians or that such settlement involves any deterioration of status.

* CYCLONE IN THE AKYAB DISTRICT OF BURMA.

57. *Diwan Bahadur M. Ramachandra Rao : (a) Will the Government be pleased to place on the table the reports if any that have been received from the Government of Burma about the cyclone on the Arakan Coast ?

(b) Will the Government be pleased to state the number of persons that died in the cyclone, the approximate value of the property lost in the cyclone and the steps taken by the Government of India and the Local Government to afford relief to those who have suffered in the cyclone ?

The Honourable Sir Alexander Muddiman : (a) Copies of reports received to date are placed on the table.

(b) The information asked for is contained in the reports. No relief was granted from central revenues.

Copy of a telegram dated the 30th May 1926, from the Government of Burma, to the Government of India, Home Department.

A severe cyclone accompanied by tidal wave is reported to have done much damage and caused heavy loss of life in Akyab district. Details are scanty owing to break down of communications. Fuller report will follow.

Copy of a telegram dated the 2nd June 1926, from the Government of Burma, to the Government of India, Home Department.

Continuation my telegram, dated 30th May. Commissioner, Arakan, has telegraphed as follows. *Begins.* Latest estimate of deaths in cyclone Maungdaw township is 2,764 in 33 villages from Mrawchaung latitude 20° 35' to Mingalagri latitude 20° 55'. Chief casualties are Maungdulla 525, Udaung 380, Althangyaw 350, Thabyedaw 200, Shoikali 197, Zawmadat 175, Kanbu 150, Padin 111 and seven other villages over fifty each. *Ends.* Governor in Council has placed Rs. fifty thousand at disposal of Commissioner for relief of sufferers. Further reports expected within day or two and will be communicated on receipt.

Copy of a telegram No. 446-C., dated the 30th July 1926, from the Government of Burma, to the Government of India, Home Department.

Your 119-Public, dated 23rd July, regarding Akyab cyclone loss of life, Akyab District 2,774. Estimated loss in cattle, rice and seed, grain, house property and household utensils is roughly seventeen and half lakhs rupees. Damage to Government buildings estimated at roughly 85,000 rupees. Damage to private buildings was extensive but easily repairable. Rupees 50,000 sanctioned by Local Government for immediate relief. About a lakh of rupees has been collected privately for relief. Agricultural loans up to rupees two lakhs been issued extensively and relief work organised on construction of roads. Full report follows by letter.

ROUND TABLE CONFERENCE IN REGARD TO THE SOUTH AFRICAN QUESTION.

58. *Diwan Bahadur M. Ramachandra Rao : (a) Will the Government be pleased to state whether the Government of India have come to any decision in regard to the venue of the Round Table Conference.

in regard to the South African question and also the personnel of the Conference from India ?

(b) Will the Government be pleased to state what action the Government of India have taken in regard to the Colour Bar Bill passed by the Legislature of the South African Union ?

(c) Will the Government also be pleased to state whether the questions dealt with by the Colour Bar Bill will come up before the Round Table Conference for consideration ?

Mr. J. W. Bhore : (a) As I have already stated, the Conference will meet at Cape Town on the 14th December next. The personnel of the Indian delegation to the Conference has not yet been settled.

(b) The attention of the Honourable Member is invited to the press communiqué on the subject which was issued on the 4th June last.

(c) The agenda of business to be discussed at the Conference has not yet been definitely settled, but the scope of the Conference, as stated in the formula agreed upon between the two Governments appears to cover discussion of the application to the Indian community in South Africa of the principle underlying the Colour Bar Bill.

Mr. M. A. Jinnah : Will the Honourable Member indicate the method that Government propose to adopt in settling the personnel of the Conference ?

Mr. J. W. Bhore : I am afraid, Sir, I cannot at this stage go beyond what I have already told the House. I have given the House the assurance that Government will endeavour to see that the constitution of their deputation will be such as to cover all important interests as far as this is possible and will be such as to ensure that the Indian case will be put forward to the best advantage.

Mr. M. A. Jinnah : Will the Honourable Member indicate what methods the Government will adopt to secure that result ?

Mr. J. W. Bhore : The method of selection, Sir.

Mr. M. A. Jinnah : I want to know definitely—unless the Honourable Member wants notice in which case I shall give him notice—whether the Government of India propose to adopt any method for the purpose of securing that result, and if so, how they are going to do it. Will it be a purely executive decision ?

Mr. J. W. Bhore : I did not hear exactly what was said. Does my Honourable friend mean by that question to ask whether the deputation will be official ?

Mr. M. A. Jinnah : No. My question is very simple. I understand the Honourable Member has given us an assurance that the personnel will be entirely Indian or at any rate sufficiently Indian.

Mr. J. W. Bhore : I did not say that, Sir.

Mr. M. A. Jinnah : Will the Honourable Member inform this House how he proposes to secure the result which he assures us he wants to secure, namely, what method the Government will adopt in selecting the personnel of the Conference ?

Mr. J. W. Bhore : I have already told my Honourable friend the method will be one of selection. The Government will select those whom they consider to be best fitted to represent India.

Mr. M. A. Jinnah : Will that decision be arrived at purely by the executive ?

Mr. J. W. Bhore : Yes, Sir.

Mr. M. A. Jinnah : Will they take any steps to secure or consult non-official opinion ?

Mr. J. W. Bhore : I can give no assurance on that point to my Honourable friend at the present moment.

Mr. B. Das : Will the Honourable the Leader of the House assure us that the Government will consult non-official opinion regarding the personnel of the deputation ?

The Honourable Sir Alexander Muddiman : No, Sir. I cannot give any such assurance. The deputation is a Government deputation and the personnel will be selected by Government.

RECOMMENDATIONS OF THE EXTERNAL CAPITAL COMMITTEE.

59. ***Diwan Bahadur M. Ramachandra Rao :** (a) Will the Government be pleased to state whether the opinions on the recommendations of the External Capital Committee have been received, and will the Government be pleased to place them on the table ?

(b) Will the Government be pleased to state when they propose to take action in regard to the recommendations of the Committee ?

The Honourable Sir Basil Blackett : (a) Replies have yet to be received from five Provincial Governments. When all have been received copies will be placed on the table.

(b) Progress is being made in several directions, as for example, in the matter of establishing an Indian Institute of Bankers. I shall not be in a position to make a comprehensive statement on the Report as a whole till the replies from Provincial Governments are received. The questions involved have also in some cases to be considered in connection with the Report of the Currency Commission.

RIOTS AT RAWALPINDI.

60. ***Diwan Bahadur M. Ramachandra Rao :** (a) Will the Government be pleased to state whether they have received any report from the Local Government about the riots at Rawalpindi and their cause, and will the Government be pleased to place the same on the table ?

(b) If so, will the Government be pleased to state the cause of the said riots ?

The Honourable Sir Alexander Muddiman : The Government of India have not yet received the final views of the Governor in Council on these occurrences, and hence I am not at present in a position to lay any papers on the table or to make a definite statement as to the causes of the riots.

INFLUX OF PUNJABIS INTO THE RAILWAY SERVICE IN THE PROVINCE OF SIND.

61. ***Khan Bahadur W. M. Hussanally :** Has the attention of the Government been drawn to a letter by 'Justice' published in the *Sind Observer* of June 16th, 1926, anent the influx of Punjabis into the railway service in the Province of Sind? Are the facts mentioned therein correct?

ORDER REGARDING THE EMPLOYMENT OF MATRICULATES ON THE NORTH-WESTERN RAILWAY.

62. ***Khan Bahadur W. M. Hussanally :** (a) Is it a fact that the North-Western Railway Administration have ruled that no one except a Matriculate should be employed in the Railway?

(b) If so, when was that order passed?

(c) How many vacancies in the Sind section of the North-Western Railway have occurred since that order was passed?

(d) How many Sindis and how many Punjabis have been recruited in Sind since the promulgation of that order?

The Honourable Sir Charles Innes : I propose to reply to questions Nos. 61 and 62 together.

I have seen the article referred to by the Honourable Member. The fact is that for many years past a Matriculation qualification has been prescribed for admission to the clerical staff on the North Western Railway. Obviously, no reasonable objection can be taken to such a rule, but the suggestion in the *Sind Observer* is that the rule operates unfairly as between Sindhis and Punjabis, since it is harder to pass the Matriculation examination of the Bombay University than that of the Punjab University. I am afraid that I must ask to be excused from expressing any opinion on the point, and even if the facts are as stated, I do not see what action the Railway Administration could take. As I have said, the rule relating to the educational qualifications of the clerical staff has been in force for a very long time, and I am not prepared to collect the statistics which the Honourable Member asks for.

Khan Bahadur W. M. Hussanally : May I know when that rule was enacted?

The Honourable Sir Charles Innes : I am told that it has been in force for a long time. I am afraid that is all I can say.

Khan Bahadur W. M. Hussanally : Cannot I have the year? My information is that it is very recent?

The Honourable Sir Charles Innes : I am afraid, Sir, the Honourable Member's information is wrong.

DISTRIBUTION OF APPOINTMENTS ON THE NORTH-WESTERN RAILWAY AMONG CHRISTIANS, HINDUS AND MUHAMMADANS.

63. ***Khan Bahadur W. M. Hussanally :** (a) Is the Home Department Circular regarding the fair distribution of Government service among various communities applicable also to the Railway Department?

(b) If so, has the North-Western Railway acted up to that Circular?

(c) Will the Government be pleased to place on the table a statement showing the number of appointments rendered vacant in the North-Western Railway since that Circular was issued, and the distribution of such appointments among Christians, Hindus and Muhammadans ?

The Honourable Sir Charles Innes : (a) Yes.

(b) Since the proportion of Muslim subordinates on scales of pay rising to Rs. 250 per mensem and over is considerably higher on the North-Western Railway than on any other Class I Railway, and since the proportion was higher in 1925 than in 1924, I have every reason to suppose that the Agent is giving effect to the policy indicated.

(c) Statistics are already given in an Appendix in Volume I of the Annual Report by the Railway Board on Indian Railways showing by Railways the distribution among Europeans, Anglo-Indians, Muslims and non-Muslims of all appointments the pay of which reaches or exceeds Rs. 250 per mensem. I am afraid I cannot add to these statistics in the manner suggested by the Honourable Member.

REFUND TO THE RELATIVES OF PILGRIMS WHO DIED IN THE HEDJAZ OF THE AMOUNTS DUE ON RETURN TICKETS.

64. ***Khan Bahadur W. M. Hussanally :** (a) When was the system of return steamer tickets to be purchased by Hajis going to the Hedjaz introduced ?

(b) What has been the number of Hajis who purchased return tickets since that date up to the present, and what has been the amount of return fare realised ?

(c) How many Hajis have died in the Hedjaz since that date who did not use the return tickets ; and what has been the amount of the fares on such tickets ?

(d) How much of this amount has been paid back to the relatives of the deceased ?

(e) What has been the amount which has lapsed ?

(f) What has been the interest on such lapsed amounts ?

(g) In whose possession is this amount ?

(h) How is it proposed to use or dispose of this lapsed amount together with interest ?

(i) Do Government propose to publish a yearly statement after the expiry of the Haj season, giving the details above indicated together with any others that may be of interest to the public ?

Mr. J. W. Bore : (a) Since the passing of the Indian Merchant Shipping (Amendment) Act, 1925, a pilgrim travelling by the lowest class is required by law either to purchase a return steamer ticket or pay a deposit for defraying the cost of the return voyage, unless he is exempted from this requirement on the ground that he does not intend to return to India within three years. But the practice of purchasing

return tickets on a purely voluntary basis had been in vogue among pilgrims for some time ?

(b) to (f). The Government of India have no information.

(g) and (h). So far as Government are aware no sum representing unclaimed passage money on account of unused return coupons is at present in the possession of Government. They have no information as to whether any amount of such passage money is in the possession of shipping companies. They are, however, considering the advisability of issuing rules under the Indian Merchant Shipping Act to provide that unclaimed passage money or deposits shall in future lapse to Government after a prescribed period and be applied for the benefit of the pilgrims.

(i) The suggestion of the Honourable Member will be considered.

Khan Bahadur W. M. Hussanally : May I inquire if the Government propose to ask the shipping companies what amount they have in their possession at the present moment ?

Mr. J. W. Bhore : I do not think that any useful purpose will be served by making that inquiry.

Khan Bahadur W. M. Hussanally : I think a very useful purpose will be served.

Sir Walter Willson : May I ask, Sir, whether in fixing a reduced rate for return tickets it would not be reasonable to suppose that either a railway company or a shipping company would make some profit from unused tickets ?

Mr. J. W. Bhore : That, Sir, is a general question on which I do not feel myself competent to reply.

Mr. K. Ahmed : In the case of the Hajis who went to Mecca from Bombay and did not return to India at all, or died, will the Government be pleased to state their numbers and the amount of money that they spent in purchasing return tickets ?

Mr. J. W. Bhore : I am afraid I must ask for notice of that question.

Sir Walter Willson : With reference to the answer given by the Honourable Member to me just now, is it not a fact that the railway companies do not make any return in respect of unused return tickets, and why therefore should shipping companies adopt a different policy ?

Mr. J. W. Bhore : In regard to the practice on Railways, I think the Honourable Member should address his question to my Honourable friend Mr. Parsons.

Pandit Shamlal Nehru : Do not the railway companies return the cost of the unused half of a return ticket *minus* 10 per cent ?

Mr. J. W. Bhore : I am not aware of the practice on Railways.

Mr. K. Ahmed : In view of the fact that in the Select Committee you accepted the view of the majority of the Muslim Members, when my friend Sir Walter Willson was present and agreed that the steamship companies would immediately return the money if the ticket was not used.....

UNSTARRED QUESTIONS AND ANSWERS.

LICENCES FOR FIRE-ARMS IN THE DELHI PROVINCE.

1. **Mr. Ismail Khan :** Will the Government be pleased to lay on the table a statement in the following form :

	In 1919.	In 1920.	In 1921.	In 1922.	In 1923.	In 1924.	In 1925.
Total number of licences granted (new or renewed) for the purposes of sport, protection and display in Delhi Province.							
Total number of licences granted (new or renewed) to dealers allowing them to deal in fire-arms in Delhi Province.							
Total number of firearms imported or the total number of firearms for which "no objection certificates" were granted to import firearms by these dealers into Delhi Province.							

The Honourable Sir Alexander Muddiman A statement is laid on the table.

	In 1919.	In 1920.	In 1921.	In 1922.	In 1923.	In 1924.	In 1925.
Total number of licences granted (new or renewed) for the purposes of sport, protection and display in Delhi Province.	186	1,399	1,187	1,275	1,355	1,562	1,587
Total number of licences granted (new or renewed) to dealers allowing them to deal in fire-arms in Delhi Province.	4	4	4	5	5	6	6
Total number of fire-arms imported or the total of fire-arms for which "no objection certificates" were granted to import fire-arms by these dealers into Delhi Province.	926	965	1,081	1,202	2,212	2,390	2,349

QUALIFICATION OF THE CHIEF FOOD INSPECTOR OF THE GREAT INDIAN PENINSULA RAILWAY.

2. **Dr. K. G. Lohokare :** (a) Will Government kindly say whether the recently appointed Chief Food Inspector of the Great Indian Peninsula Railway possesses any special qualification for being appointed to such a post ?

(b) Is it a fact that the senior Food Inspector then working was set aside in preference to the new incumbent ?

Mr. A. A. L. Parsons : Government have no information and do not intend to call for any as the matter is within the discretion of the Agent. But a copy of the question and reply will be sent to the Agent of the Great Indian Peninsula Railway.

USE OF THE KING'S HIGHWAY FOR RELIGIOUS AND OTHER PROCESSIONS.

3. **Baboo Runglal Jajodia :** Will the Government concede that all communities, whatsoever their forms of faith or worship, have every right to make use of the King's highways for their religious and other processions in the manner established by custom and tradition without any molestation from any other community ?

OBJECTION TO THE PLAYING OF MUSIC IN HINDU RELIGIOUS PROCESSIONS.

4. **Baboo Runglal Jajodia :** (a) Will the Government please state when the objection against the playing of music in Hindu religious processions was raised for the first time in India ?

(b) When did the first communal riot in this connection break out ?

(c) Do the Government propose or have they in contemplation any legislative or executive action for a permanent and final solution of the question of restoration of whatever was the practice sanctioned by custom and tradition ?

COMMUNAL RIOTS IN TERRITORIES UNDER THE ADMINISTRATION OF THE GOVERNMENT OF INDIA.

5. **Baboo Runglal Jajodia :** (a) Will the Government of India be pleased to state the number of communal riots which took place in the territories directly under their administrative control which were due to religious processions and other causes ?

(b) Will the Government be pleased to state the numerical strength of the communities involved, the loss of lives and property and other casualties involved in such communal riots during the last three years ?

COMMUNAL RIOTS.

6. **Baboo Runglal Jajodia :** Has the opinion of the Government of India been sought for by any of the Provincial Administrations in connection with communal riots and, if so, what has been the advice or views of the Government of India ?

POSTPONEMENT OF HINDU RELIGIOUS PROCESSIONS OWING TO COMMUNAL RIOTS.

7. Baboo Runglal Jajodia : Will the Government state in how many cases in territories directly under their administrative control Hindus have been denied the right of taking out religious processions owing to communal outbreaks, and in how many cases religious processions had to be postponed either on account of the refusal of the authorities to arrange proper police safeguards for the conduct of the same or the inaction of the police ?

The Honourable Sir Alexander Muddiman : I would refer the Honourable Member to the reply I gave to Mr. Harchandrai Vishindas' question on this subject and to the statement I laid on the table in connection therewith.

I will ascertain whether there have been any occasions during the last three years when religious processions have been forbidden or postponed in territories under the direct control of the Government of India, and if so, for what reasons ; and I will furnish the Honourable Member with a statement of the communal riots which have occurred in these territories, together with the numerical strength of the communities involved and other details, so far as available, for which he asks.

No Provincial Administration has recently sought for the opinion of the Government of India in connection with communal riots, but, the matter has naturally from time to time been the subject of correspondence. For the general views of the Government of India on the subject, I refer the Honourable Member to my reply above quoted.

REPORT OF THE AUXILIARY AND TERRITORIAL FORCES COMMITTEE.

8. Sardar V. N. Mutalik : (a) Will Government be pleased to state whether they have considered the Report of the Auxiliary and Territorial Forces Committee ?

(b) If so, what recommendations have been accepted ?

(c) Do Government intend to bring before this House any Resolution on this Report ?

Mr. E. Burdon : (a), (b) and (c). The views of the Government of India on the Report of the Auxiliary and Territorial Forces Committee are now before the Secretary of State. Government are unable to make any further statement on the subject at present.

TRAINING OF MEN FOR THE PROVINCIAL FOREST SERVICES.

9. Sardar V. N. Mutalik : Will Government be pleased to state :

(a) what change, if any, they propose to effect for the training of men for the Provincial Forest Services, at the Forest College, Dehra Dun ?

(b) whether it is proposed to start Forest Colleges in other places for training Provincial Service men and private students ?

Mr. J. W. Bhore : (a) I would invite the Honourable Member's attention to the Resolution of the Government of India, Department of Education, Health and Lands, dated the 22nd June 1926.

The Provincial Forest Service course at Dehra Dun will be abolished after the end of March 1928 when those who entered the college in April 1926 will have completed their training. With the disappearance of this course, it is proposed to raise the standard of the Rangers' course at Dehra Dun, thus making it easier for Local Governments to make appointments in the Provincial Forest Service by promotion from the Rangers' service, if they wish to do so.

(b) Burma has a Provincial Forest Service course of its own at the Rangoon University. Government are not aware of any proposals to start Forest Colleges for training Provincial Forest Service students in other Provinces.

WAITING ROOM FOR HIGHER CLASS PASSENGERS AT KOREGAON OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

10. **Sardar V. N. Mutalik :** (a) Will Government be pleased to state whether they are aware that there is no waiting room for higher class passengers at the Koregaon station of the Madras and Southern Mahratta Railway, and that the Koregaon station is an important and a growing station and the passenger traffic is increasing ?

(b) If so, are Government prepared to undertake the building of a waiting room at an early date ?

Mr. A. A. L. Parsons : The Government have drawn the attention of the Agent to the suggestion contained in the Honourable Member's question. It is not a matter on which they have or can be expected to have any information themselves.

USE OF WAITING ROOMS BY RAILWAY OFFICERS.

11. **Sardar V. N. Mutalik :** (a) Will Government be pleased to state if there are any orders for railway officers to occupy the waiting rooms during their stay at any railway station, and not to allow any higher class passengers to enter the waiting rooms ?

(b) If so, are Government aware that this practice on the part of the officers causes extreme inconvenience to the passengers during the hours of the night and especially to ladies, who want to catch trains, or get down from trains, at stations which are at some distance from the cities ?

(c) Do Government propose to issue any orders to secure the convenience of the passengers ?

Mr. A. A. L. Parsons : (a) and (b). The reply is in the negative. Passengers are given preference over the staff on Railways in the matter of accommodation either in trains or waiting rooms. But if the Honourable Member will mention any specific instance, the matter will be brought to the notice of the Railway Administration concerned.

(c) In the circumstances no issue of orders on the subject is considered necessary.

RECRUITMENT TO THE CLERICAL STAFF OF THE ACCOUNTS OFFICES IN THE CENTRAL PROVINCES.

12. Mr. S. D. Talatuley : 1. Have the Government fixed and determined upon any policy in the matter of recruitment to the clerical staff of the Accounts Offices in general and of the Central Provinces in particular, and if so, will the Government be pleased to lay the papers on the table in this connection ?

2. Does the policy provide for recruitment in the Province itself by preference, as far as possible, in the case of Provincial Accounts Offices ? If so, will the Government be pleased to lay on the table statistics of recruitment in the Central Provinces Accounts Offices according to the following details :

- (a) Number of clerks recruited every year during the last five years.
- (b) How many of them are provincial men and how many extra-provincial, and out of these extra-provincial men, how many are from the different Provinces other than from the Central Provinces and Berar.
- (c) For what special reasons have the extra-provincial men been preferred to provincial men ?

GRANT OF HOLIDAYS TO THE STAFF OF THE ACCOUNTS OFFICES IN THE CENTRAL PROVINCES.

13. Mr. S. D. Talatuley : 1. What is the policy of the Government in the matter of granting gazetted holidays under section 25 of Act XXVI of 1881 (the Negotiable Instruments Act), with regard to the Accounts Offices of the Central Provinces and Berar ?

2. Is it a fact that generally these holidays are not granted to the Central Provinces Accounts Offices, and if so, why are they so treated ?

3. Will the Government be pleased to lay on the table statistics as to how many holidays were and were not granted every year during the last 5 years according to the following details :

- (a) Holidays prescribed by the Negotiable Instruments Act.
- (b) Holidays notified by the Local Government under the Negotiable Instruments Act.
- (c) Special or local holidays.
- (d) Last Saturdays.

The Honourable Sir Basil Blackett : Enquiries are being made and the information will be supplied to the Honourable Member in due course.

DENIAL TO THE STAFF OF THE NORTH WESTERN RAILWAY OF THE BENEFIT OF THE FUNDAMENTAL LEAVE RULES.

14. Mr. Harchandrai Vishindas : (a) Is it a fact that the North-Western Railway staff are denied the benefit of the Fundamental Leave Rules of 1922, and if so, why ?

(b) Are Government aware that there are many of this staff who are desirous of availing themselves of these rules ?

(c) If so, do Government propose to remove the bar ?

The Honourable Sir Charles Innes : (a), (b) & (c). The Fundamental Leave Rules apply to the staff of the North Western Railway with the exception (1) of the daily rated monthly paid staff, and (2) of the employees of the Delhi-Umbala-Kalka Railway who were transferred from the East Indian Railway and who remain under their old rules.

PLATFORM ATTENDANCE OF SORTERS AT THE VICTORIA TERMINUS.

15. **Sardar V. N. Mutalik :** (a) Will Government be pleased to state the reduction, if any, made in the platform attendance of sorters of the B-6, B-7, and B-13 sections at the Victoria Terminus railway station, before the departure of the respective mails ?

(b) If no reduction has been made, will Government be pleased to state if the present attendance is in excess of the maximum platform attendance allowable under the rules ?

(c) Do Government propose to issue any instructions in the matter ?

Sir Ganendra Roy : (a) Only in the case of the B-13 section where the platform attendance has been reduced to one hour.

(b) There is no maximum platform attendance.

(c) The question of counting as duty the period of such attendance prescribed in each case is under consideration.

STATUS OF THE POST OFFICE STAMP VENDORS IN BOMBAY.

16. **Sardar V. N. Mutalik :** (a) Is it a fact that prior to the findings of the Postal Inquiry Committee (1920) the pay of the Post Office stamp vendors in Bombay was the same as the minimum for the Post Office clerks ?

(b) Did the stamp vendors up to the year 1922 belong to the superior service ?

(c) Are the stamp vendors now treated as temporary establishment in inferior service ?

(d) Is it a fact that in Bombay the qualifications of a stamp vendor are superior to those of a postman ? Are they expected to sell stamps to the extent of at least Rs. 600 of various denominations ?

(e) How many stamp vendors in Bombay belong to the superior service and how many to the temporary inferior subordinates ?

(f) Will Government be pleased to state the reasons for this change of status ?

Sir Ganendra Roy : (a) No. The number of stamp vendors in Bombay was then 15, of whom 12 drew pay at Rs. 30 and 3 at Rs. 40. The minimum pay of clerks in Bombay at that time was Rs. 40.

(b) Yes.

(c) Stamp vendors entertained after the 20th November, 1923, are treated as establishment in inferior service. The stamp vendors in Bombay are all permanent Government servants.

(d) The answer to the first part of the question is " No " and to the second part " Yes."

(e) Thirteen are in superior service and eleven in permanent, not temporary, inferior service.

(f) The work performed by a stamp vendor requires no qualifications of a superior kind.

DELAY IN THE GRANT OF DUTY ALLOWANCES TO POSTAL TOWN INSPECTORS IN BOMBAY.

17. **Sardar V. N. Mutalik :** (a) Are Government aware that the Postal Town Inspectors in Bombay have been put off with promises of duty allowance for the last five years ?

(b) What would be the probable cost of duty allowance to Postal Town Inspectors during a financial year ?

(c) Is it a fact that Mr. Clerici had promised to the deputation of the All-India Postal Union (1925) that a provision for duty allowance to the Town Inspectors would be made in the Budget for the year 1926-27 ?

(d) If the answer to the above be in the affirmative, will Government be pleased to state the reason for the delay ?

The Honourable Sir Bhupendra Nath Mitra : (a) No.

(b) Rs. 38,000.

(c) The actual words used were : " We propose including it in our Budget for 1926-27 ".

(d) As mentioned in item 3 (e) of Part I of the printed statement of grievances laid on the table on the 4th March, 1926, the Government of India are considering this question along with that of improving the pay and allowances of appointments above the time-scales of pay.

ABNORMAL DEATH RATE AMONG SORTERS WORKING IN THE W-2 SECTION OF THE RAILWAY MAIL SERVICE.

18. **Sardar V. N. Mutalik :** (a) Will Government be pleased to state the number of sorters working in the W-2 section of the Railway Mail Service ?

(b) How many of the sorters of the W-2 section died during the two years ending 31st March 1926 ?

(c) What was the percentage of deaths per year during the last two years in the W-2 section ?

(d) Is that the usual death-rate amongst Railway Mail sorters in India ?

(e) If not, are Government prepared to inquire into the reasons for this abnormal death-rate ?

Sir Ganendra Roy : (a) 16.

(b) 4.

(c) 12.5 per cent.

(d) No. The average mortality is 1.21 per cent.

(e). The deaths were from typhoid, anæmia, malaria and heart disease, respectively. I am inquiring further into the causes of death of these four sorters.

EXTENSION OF THE REFORMS TO THE NORTH-WEST FRONTIER PROVINCE.

19. **Mr. Abdul Haya :** (a) Have the Government arrived at some definite decision with regard to the question of the extension of the Reforms to the North-West Frontier Province ? If so, will the Government please make the decision known to this House ?

(b) Was the Resolution passed in March last by an overwhelming majority of this House regarding the extension of the Reforms to the North-West Frontier Province communicated to His Majesty's Secretary of State for India in Council ?

(c) Did the Government have any correspondence on this subject with the Secretary of State for India in Council ?

(d) If so, are the Government prepared to lay that correspondence on the table ?

Sir Denys Bray : The Honourable Member is referred to the pronouncement made by the Honourable the Home Member on the 19th March 1926, in the course of the North-West Frontier debate. To that pronouncement Government have at present nothing to add. The report of the debate was sent to the Secretary of State for India in the usual course. Government do not propose at the present stage to lay any papers on the table.

WEARING OF KIRPANS AND SWORDS BY SIKHS IN THE PUNJAB AND THE NORTH-WEST FRONTIER PROVINCE.

20. **Mr. Abdul Haya :** (a) Has it been brought to the notice of the Government that some Sikhs recently used their *kirpans* as a weapon of offence in certain disturbances that took place at Rawalpindi, Amritsar, Calcutta and other places ?

(b) If so, will the Government please state what steps they have taken to prevent the repetition of offences by means of *kirpans* ?

(c) Are the Government now prepared to remove the distinctions that at present exist in the matter of the possession of swords in the Punjab and in the North-West Frontier Province inasmuch as only Sikhs are allowed to wear swords while members of other communities are required to take out licences for the purpose ?

The Honourable Sir Alexander Muddiman : (a) The Government of India have received no information to suggest that *kirpans* were used in the manner suggested.

(b) Does not arise.

(c) In the Punjab no distinctions exist in regard to the possession of swords; but *kirpans* possessed or carried by Sikhs are exempt from the prohibitions and directions of the Rules. Government do not propose to take any action in the matter.

No distinction exists in the North-West Frontier Province.

RIGHT OF APPEAL OF PROVINCIAL CIVIL SERVICE OFFICERS UNDER THE NEW MEMORIAL RULES.

21. **Maulvi Sayad Murtuza Sahib Bahadur:** (a) Will the Government be pleased to state if it is a fact that the Provincial Service officers had a right of appeal to the Secretary of State in Council before the promulgation of the rules framed under the Government of India, Home Department Resolution No. F.-472-11-23, dated the 1st June 1924?

(b) Does rule XVI of the above Resolution which lays down that at least one appeal shall lie contemplate that further appeals still lie as heretofore?

(c) If the answer is in the negative, is it intended that the rights of those officers who were appointed before the promulgation of these rules should be curtailed?

(d) Is it a fact that an appeal against the order of the Local Government is to be preferred to the Governor under rule XVIII of the above-mentioned Resolution?

(e) If the answer to (d) is in the affirmative, is it contemplated that an officer should hear an appeal against his own order?

(f) Are Government prepared to get the rules so amended as to restore the former rights or to allow at least one appeal against the orders passed by the Governor to the Viceroy and the Governor General or to the Public Services Commission and give them retrospective effect making them applicable to the persons against whom such orders have been passed during the current year at least?

The Honourable Sir Alexander Muddiman: (a) Provincial Service officers whose salary was not less than Rs. 500 per mensem were permitted, under the instructions in force previously, to appeal to the Secretary of State.

(b) No.

(c) The intention was that the authority of Local Governments under the Reforms Scheme should not be impaired by providing a right of appeal to a higher authority from officers appointed by them.

(d) Yes.

(e) The appeal is to the Governor personally.

(f) The answer is in the negative.

ORDERS FOR SLEEPERS FOR THE MADRAS AND SOUTHERN MAHRATTA AND THE SOUTH INDIAN RAILWAYS.

22. **Baboo Runglal Jajodia:** 1. (a) Has the attention of the Government been drawn to the letter published in the *Justice*, Madras, of the 18th February, 1926, under the heading "Farce of Railway Tenders for Sleepers"?

(b) Is it a fact that the Madras and Southern Mahratta Railway and the South Indian Railway invited tenders for the supply of 7,50,000 sleepers?

(c) Will the Government state how many tenders were received ?

(d) What was the highest and lowest rate quoted in those tenders and which of the rates in the tenders have been accepted ?

2. (a) Is it a fact that orders for 4½ lakhs of sleepers have been placed with Killick Nixon & Co., for supply from Australia ?

(b) What is the rate at which the orders above were placed ?

(c) What is the quantity of Indian sleepers ordered and at what rate ?

3. (a) Is it a fact that the price of these foreign sleepers is higher than that of Indian sleepers and why is it that Indian sleepers were not ordered ?

(b) Is it the declared policy of the Government to give preference to Indian sleepers ?

4. (a) Do Government propose to enquire whether *messua ferrea* and *crooland hopia parviflora* (*Trumbagan*) are recognised by all Railways as the best and most durable for Indian sleepers and suitable for railway purposes ?

(b) Were the Imperial Forest Economist and other experts consulted before these orders were placed and what was their opinion on Indian timbers ?

5. Were orders for foreign timbers placed by any other Railway during 1925-26, and if so, what was the quantity and amount thereof ?

The Honourable Sir Charles Innes : 1. (a) Yes.

1. (b)—(d). The information in possession of Government is as follows :

The rates accepted by the South Indian Railway were from Rs. 8-12-0 to Rs. 8-14-0 for broad gauge sleepers and from Rs. 3-7-9 to Rs. 4-2-4 for metre gauge sleepers F. O. R. at South Indian Railway stations. The only rate accepted by the Madras and Southern Mahratta Railway was Rs. 9-2-3 F. O. R. Madras for broad gauge sleepers.

2. (a) and (b). Orders were placed for 112,500 metre gauge Australian sleepers with Messrs. Killick Nixon & Co. at £8-17-6 per ton of 50 c. ft. C. I. F. Madras.

2. (c). The South Indian Railway accepted tenders for 139,000 Indian sleepers at Rs. 8-12-0 to Rs. 8-14-0 for broad gauge sleepers and Rs. 3-10-0 to Rs. 4 for metre gauge sleepers F. O. R. at South Indian Railway stations. The Madras and Southern Mahratta Railway accepted none of these tenders from South India as, after taking freight into consideration, the prices were unfavourable. They, however, ordered 335,000 Indian sleepers from other parts of India.

3. (a) From the information available it appears that the Railway Companies accepted the most favourable tenders, taking into account the cost of carriage to site.

3. (b) Yes, provided that the cost and quality of Indian sleepers is not unfavourable compared with foreign sleepers.

4. (a) According to the report of the Sleeper Enquiry Committee, appointed by the Railway Board in 1923-24, the durability of these South

Indian sleeper woods is short and their price so high that it is preferable to use substitutes.

4. (b) Government have no information.

5. In addition to the Madras and Southern Mahratta and South Indian Railways the following Railways purchased foreign timber sleepers in 1925-26:

Railway.		Description of sleepers.	Quantity ordered.	Price per sleeper. C. I. F. Indian Port.	
				Rs. a. p.	
B. N.	..	Creosoted	90,000	6 4	6
„	..	Creosoted Baltic Red Wood.	1,500	7 6	0
G. I. P.	..	Jarrah	40,000	7 12	6
„	..	„	51,800	8 0	0
„	..	Jarrah Crossing	9,000	3 3	0
„	..	„	6,250	3 3	9
„	..	„	26,250	3 5	4
„	..	Creosoted Douglas Fir	1,000	6,437 8	0
				per c. ft.	
				Do.	
				(total cost).	

OPINION OF MR. TIELMAN ROOS, MINISTER OF SOUTH AFRICA, REGARDING THE ASIATIC BILL.

23. **Baboo Runglal Jajodia** : (a) Will the Government state whether it is a fact that Mr. Tielman Roos, Minister of South Africa, has said "The Asiatic Bill is a homely affair—we shall not mind whatever opinion India may hold—we must get it enacted" ?

(b) If so, what action, if any, have Government taken in the matter ?

Mr. J. W. Bhore : (a) Government have not seen the statement referred to by the Honourable Member which Mr. Tielman Roos is alleged to have made.

(b) Does not arise.

ELIGIBILITY OF CLERKS IN THE MILITARY ACCOUNTS DEPARTMENT TO APPEAR FOR THE SUBORDINATE ACCOUNTS SERVICE EXAMINATION.

24. **Dr. K. G. Lohokare** : 1. Will Government please state if the number of years of service to make a clerk in the Military Accounts Department eligible to appear for the S. A. S. examination is counted up to the date of the examination or up to the probable date of the result ?

2. Do they give him promotion from the date of the examination or from the date of the result in case a candidate is eligible to be transferred to the S. A. S. grade at the time of passing ?

3. Do they allow a shortage of a few months in the period of eligibility for appearing at the examination rather than make some of them wait for the above examination for more than nine months ?

4. What is the date of the next examination, and how is the service to be counted this time ?

- The Honourable Sir Basil Blackett :** 1. Up to the date of examination.
 2. From the date of the publication of the results.
 3. Yes in specially deserving cases, up to 3 months.
 4. (a) May 1927. (b) Under the ordinary rules now in existence, with due regard to specially deserving cases and cases of hardship.

GRANT OF HOUSE RENT ALLOWANCE TO MEMBERS OF THE MILITARY ACCOUNTS OFFICES STATIONED AT POONA.

25. Dr. K. G. Lohokare : Do the Government of India propose to grant house rent allowance at Poona to the members of the Military Accounts Offices similar to that granted by the local Government ; if so, when are the orders on the subject likely to be issued ?

The Honourable Sir Basil Blackett : The matter is under consideration. I fear that it will be some little time before a decision is reached.

REDUCTION OF THE PAY OF INEFFICIENT ACCOUNTANTS IN THE MILITARY ACCOUNTS DEPARTMENT.

26. Dr. K. G. Lohokare : (a) Is it a fact that an accountant drawing Rs. 500 per mensem if considered unfit by the Selection Board to hold an appointment on Rs. 550 is reduced to Rs. 450 *per mensem* ?

(b) If the reply be in the affirmative, will Government please state whether in any other Department under the Government of India an individual who is unfit for further promotion or advancement is not allowed to draw the pay he is actually in receipt of but is reduced to a lower rate of pay ? If so, in what departments ?

The Honourable Sir Basil Blackett : (a) Yes.

(b) I would refer the Honourable Member to the answer already given him in August 1925 to his unstarred question No. 85 (a).

OFFICIATING PROMOTIONS IN THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, WAZIR DISTRICT.

27. Dr. K. G. Lohokare : (a) Is it a fact that the Controller, Military Accounts, Wazir District, through a misinterpretation or ignorance of the rules regarding officiating promotions has not continued the officiating promotions to men who proceeded on privilege leave, and that the Military Accountant General has confirmed his action of not opening the question again on the ground of lapse of time ?

(b) If the reply be in the affirmative, do Government propose to issue necessary instructions to the officer concerned to rectify the omissions now, ignoring the lapse of time and thus enabling the parties concerned to get their dues, which were not paid on account of ignorance or misinterpretation of the rules ?

(c) Is it a fact that the Government of India do not write-off the overpayments made to the members of an Audit Department which are

due to misinterpretation of orders, however late they may be detected, as stated in reply to my unstarred question No. 83 on the 25th August 1925 ? If so, are Government prepared to apply the same principle and direct that any short payments made should be rectified when pointed out by the parties concerned however late it may be ?

The Honourable Sir Basil Blackett : The matter referred to by the Honourable Member is being enquired into, and a reply will be given as early as possible.

PUBLICATION OF THE REPORT OF THE ARMY ACCOUNTS COMMITTEE.

28. Dr. K. G. Lohokare : Are Government now in a position to answer parts (2), (3) and (4) of my unstarred question No. 243, dated the 22nd March 1926, regarding the publication of the Report of the Army Accounts Committee ?

The Honourable Sir Basil Blackett : The Report of the Army Accounts Committee has been received, and I am arranging to place a few copies of the Report in the Library of the House. No final decision has yet been arrived at in regard to the Committee's recommendations.

HEADQUARTERS OF THE OFFICES OF CERTAIN CONTROLLERS OF MILITARY ACCOUNTS.

29. Dr. K. G. Lohokare : (a) Will Government please state whether arrangements are being made for

(1) the removal of the Office of the C. M. A., C. P. District, Mhow, to Poona ;

(2) the removal of the Office of the C. M. A., S. R. Division, to Quetta ; and

(3) the removal of the Office of the C. M. A., Allahabad Brigade, to Meerut ?

(b) If the reply be in the affirmative, when are these offices likely to be removed ?

The Honourable Sir Basil Blackett : Certain proposals for a partial centralisation of Military Audit Offices are under consideration, but no final decision has yet been reached.

FORMATION OF MILITARY PENSION OFFICE.

30. Dr. K. G. Lohokare : With reference to the reply to my unstarred question No. 247, on the 22nd March 1926, regarding the formation of a Military Pension Office, will Government please state whether a final decision has been arrived at ? If so, will they furnish full details on the subject ?

The Honourable Sir Basil Blackett : (1) The reply is in the negative.

(2) Does not arise.

MOTIONS FOR ADJOURNMENT.

Mr. President : I have received the following notice of motion for the adjournment of the House from Mr. K. Ahmed :

“ I beg to give you notice hereby that I desire to move the adjournment of the House on the first day of this Session or thereafter on as early a day as may be fixed to discuss a matter of urgent public importance, namely, the action of the Government of India in the appointment of a Royal Commission on Agriculture, about the composition of its personnel, its terms of reference, the scope of its inquiry and the views of the public thereon in the matter.”

It is difficult for me to understand what precisely the Honourable Member wants by the last portion of his motion. Does the Honourable Member desire to censure the Government of India for the views of the public on the Agricultural Commission, or what ? I should also like to know from the Honourable Member, before I decide whether the motion is in order or not, when exactly this Royal Commission was announced ?

Mr. K. Ahmed : Sir, after we had dispersed in Delhi at the end of the last session, something has happened within the last few months and to-day is the first opportunity we have had of expressing our feelings on behalf of the country, and it is urgent.

Mr. President : Will the Honourable Member tell me when exactly the Royal Commission was announced ?

Mr. K. Ahmed : The Royal Commission was announced some time ago but the selection of personnel, the scope of the inquiry and certain other matters have very recently been announced by the present Viceroy in his Nagpur speech, while the Under Secretary of State, Earl Winterton in the House of Commons in reply to Colonel Wedgewood said that the Commission would not be precluded.

Mr. President : I have not yet got the reply I wanted from the Honourable Member. When was the Royal Commission announced ?

Mr. K. Ahmed : Sir, it was announced by His Excellency Lord Reading last year, but that is immaterial.

Mr. President : Kindly tell the Chair on what date the Royal Commission was announced by the Government of India ?

Mr. K. Ahmed : On the 20th January 1926, I understand, Sir.

Mr. President : Then obviously the Honourable Member is out of date. He should have moved a motion for adjournment on the 21st of January when the Assembly was sitting or immediately thereafter.

Mr. K. Ahmed : I am very thankful to you, Sir, but if I am allowed only a minute or two to substantiate the point on which I want to move for the adjournment of this House, I think you will agree with me that

Mr. President : All the points are given in the notice of motion. The Royal Commission was admittedly announced on the 20th January, and therefore any motion on the subject could have been brought if the matter was urgent on the 21st January or immediately thereafter. No motion of adjournment for the interruption of the ordinary business of this House can be in order at this stage. The matter is not of recent occurrence. I therefore rule the motion out of order.

Mr. President : I have received also the following notice of motion for the adjournment of the House from Pandit Shamlal Nehru :

" I intend to ask for leave to make a motion for adjournment of the business of the Assembly on the 18th instant to discuss a matter of urgent public importance, namely, the question of the advice given to His Excellency the Governor General for the non-allotment of days for private Bills during the current Session."

With regard to this motion I would like to suggest to the Honourable Member to consider whether it is proper for him to attempt to interrupt the ordinary business of the House on the very first day when it meets during this Session, and whether it would not be more proper for him to first ascertain the general desire of the Members of this House about having a day for non-official Bills. If there is such a general desire on the part of Members, I am sure the best course would be for him and the other Members to have a friendly talk with the Leader of the House, who, I am sure, will do the needful, and I am equally certain that His Excellency the Viceroy would not stand in the way of this House if he is assured that there is such a general desire. I am inclined to think that the purpose the Honourable Member has in view will not be attained by discussing this question on the floor of the House by this motion for adjournment. He should, in my opinion, first ascertain the wishes of the Members of this House and if he finds a general agreement to get a day, he should approach the Viceroy through the Leader of the House. Perhaps it may be that the Viceroy did not give any day because there is no likelihood of finishing any private Bill during this short Session. But if he is assured that there is a general desire for a day for private Bills, he will not disappoint the non-official Members. Perhaps several Members themselves feel that no useful purpose would be served by having a day in this short Session and on the eve of the dissolution of this House. This is merely a suggestion from the Chair before the Chair rules that the motion is in order or not.

Pandit Shamlal Nehru : I thank you for the advice and I assure you that I sent in this motion with the greatest reluctance. The fact is that I did not want to send in this motion at all at present. I wanted to approach His Excellency the Governor General again once more, but I was told that if I went in a few days and His Excellency again told me that he could not allow a day for non-official Bills the Honourable the President would not give me a chance to make this motion, because then it would not be a definite matter of urgent public importance. That was the reason I sent in this motion. I thank you for your advice and I will proceed on the lines suggested by you. I hope you will allow me to withdraw the motion.

ASSENT OF THE GOVERNOR GENERAL TO BILLS.

Mr. President : I have to inform the Assembly, that the following Bills which were passed by both Chambers of the Indian Legislature have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act :

The Small Cause Courts (Attachment of Immoveable Property) Act, 1926.

The Code of Criminal Procedure (Amendment) Act, 1926.

The Government Trading Taxation Act, 1926.
 The Guardians and Wards (Amendment) Act, 1926.
 The Indian Lunacy (Amendment) Act, 1926.
 The Code of Civil Procedure (Amendment) Act, 1926.
 The Indian Naturalization Act, 1926.
 The Steel Industry (Amendment) Act, 1926.
 The Insolvency (Amendment) Act, 1926.
 The Code of Criminal Procedure (Second Amendment) Act, 1926.
 The Promissory Notes (Stamp) Act, 1926.
 The Contempt of Courts Act, 1926.
 The Indian Registration (Amendment) Act, 1926.
 The Madras Civil Courts (Amendment) Act, 1926.
 The Legal Practitioners (Amendment) Act, 1926.
 The Indian Trade Unions Act, 1926.
 The Indian Tariff (Amendment) Act, 1926.
 The Madras Civil Courts (Second Amendment) Act, 1926.
 The Indian Finance Act, 1926.
 The Cotton Industry (Statistics) Act, 1926.
 The Legal Practitioners (Fees) Act, 1926.
 The Code of Civil Procedure (Second Amendment) Act, 1926.
 The Delhi Joint Water Board Act, 1926.
 The Indian Income-tax (Amendment) Act, 1926.
 The Indian Divorce (Amendment) Act, 1926.
 The Indian Factories (Amendment) Act, 1926.
 The Transfer of Property (Amendment) Act, 1926.

THE INDIAN BAR COUNCILS BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to present the Report of the Select Committee on the Bill to provide for the constitution of Bar Councils in British India for certain purposes.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I lay on the table the information promised on the 12th February, 1926, in the concluding portion of the reply to Mr. Kumar Sankar Ray's question No. 783 regarding total capital outlay on irrigation works, etc.

[Sir Bhupendra Nath Mitra.]

There are no alkaline deposits on lands under cultivation by canal water in Bengal, Burma, Bihar and Orissa, the Central Provinces, Baluchistan and Rajputana. The following table gives the necessary information in respect of the other provinces, viz., Madras, Bombay, the United Provinces, the Punjab, and the North-West Frontier Province :

Province.	District.	Canal.	Area of lands abandoned.	Percentage of the abandoned area on the total irrigated area.	Remedial measures.
			Acres.		
Madras	Guntur	Kistna Delta system.	62	.	The area abandoned on account of alkalinity is an infinitesimal fraction of the total irrigated area in the Presidency, and the stage of alkalinity resulting in the abandonment of land has not made itself manifest. The Madras ryot is acquainted with the means of checking alkalinity and the Agricultural Department has been taking measures to instruct him in the matter. The local Government consider that no special action is necessary.
Bombay (Deccan and Gujarat).	Ahmed-nagar.	Pravara canals	4,934	14.5	The local Government have investigated the question in detail. It is partly a matter of prevention and partly of reclamation. Prevention has proved here not to be difficult. From the beginning, irrigation is restricted to suitable depths of soil. Percolation from the canals is being greatly reduced by puddle trenches in the banks and by concrete or masonry lining in particularly porous strata. Reclamation has proved to be very difficult, however, owing to the character of the Deccan black soil. Successful attempts have been made by drainage which is the only practicable method known. But how far they can be economically applied over the 28,000 acres now out of cultivation is a matter of doubt. A great deal of money and effort has been expended in this matter, first by the Agricultural Department and later by a special Executive Engineer who has been investigating the problem for a number of years. Schemes for draining 3,000 acres of damaged lands have been sanctioned. Some of them have already been completed with satisfactory results, while others are in progress. Further estimates for draining all the easily reclaimable areas are under preparation.
	Nasik and Ahmed-nagar.	Godavari canals	12,595		
	Poona	Nira Left Bank canal including Shetphal Tank.	8,249		
	Poona	Mutha canals including Matoba Tank.	2,000		
	Nasik	Kadwa canals	161		
	Nasik	Girna Left Bank canal.	100		
		Total	28,039		

Province.	District.	Canal.	Area of lands abandoned.	Percentage of the abandoned area on the total irrigated area.	Remedial measures.
			Acres.		
Sind			Not determined.		In Sind the areas out of cultivation are in patches, and have not been determined. The questions of prevention and reclamation coalesce, since in an alluvial tract, such as that in Sind, it is usually comparatively easy to wash out the alkaline salts from the soil to a depth where they can no longer do any damage or are likely to rise again to the surface by growing crops, which need a large amount of water. Rice is looked upon as a recuperating crop, and is so, provided the flooding which it requires does not raise the subsoil water above six feet from the surface. If there is any likelihood of this occurring, then drainage of the land is needed, so that any water above six feet deep can drain away. The difficulty in Sind is the provision of this drainage, and this is a matter which is being carefully investigated by the Government of Bombay.
N. P.			711	0.3	In addition to 711 acres already abandoned on account of the accumulation of alkali deposits 80 acres are also likely to be abandoned for similar reasons. Numerous experiments with regard to the treatment of <i>usar</i> land were attempted but without success.
Punjab	Ambala	Western Jumna canal.	250	18.8	It is not possible to give a precise indication of the future progress of damage from alkaline deposits but the matter is receiving the serious attention of Government.
	Gujranwa	Upper & Lower Chenab canals.	9,562	2.6	
	Sheikhpura.	Do. ..	3,144	0.4	
	Jhang	Lower Chenab canal; Muzaffargarh Inundation canals; Lower Jhelum canal.	6,746	1.4	The following measures for the reclamation of alkali lands have already been taken, viz.:—
	Shahpur	Lower Jhelum canal; Upper Jhelum canal; Shahpur canals	5,000	0.7	(i) Experiments on the reclamation of alkali lands were conducted at <i>Narwala</i> on the Lower Chenab canal in 1915 by the Department of Agriculture, Punjab, and they have proved successful. The method adopted was deep cultivation combined with surface flooding and lateral drainage and a very fine yield of wheat was obtained from land so treated. A full
	Gujarat	Upper & Lower Jhelum canals.	9,346	3.0	
	Sialkot	Upper Chenab canal.	8,276	178.1	
		Total ..	42,324	0.4	

[Sir Bhupendra Nath Mitra.]

Province.	District.	Canal.	Area of land abandoned.	Percentage of the abandoned land on the total irrigated area.	Remedial measures.
Punjab— contd.	<p>description of the <i>Narvala</i> experiment] is given in Appendix II of the Report of the Operations of the Department of Agriculture, Punjab, 1915.</p> <p>(ii) The <i>Bara Farm</i> experiments are described in the Report of the Operations of the Department of Agriculture, Punjab, 1923.</p> <p>(iii) The <i>Chenab Colony</i> experiments are recorded in the Punjab Revenue and Agriculture Department, printed proceedings for January 1913.</p> <p>The measures which the Government of the Punjab propose to take for the future in areas threatened by alkaline deposits are as follows :—</p> <p>(a) They will consider the advisability of confining irrigation to the kharif season.</p> <p>(b) To free natural drainage lines from obstructions by notifying them as "Drainages" under the Northern India Canal and Drainage Act of 1873.</p> <p>(c) To excavate and maintain by modern methods a scientific system of seepage drains and to deepen existing drains.</p> <p>(d) To encourage irrigation by pumps from wells.</p> <p>(e) To consider the reduction of the intensity of canal irrigation.</p> <p>(f) To conduct a large experiment on mole-drainage under the guidance of Mr. B. H. Wilsdon, Scientific Research Officer, Irrigation Branch.</p> <p>(g) To instal pumping plant where the country is too flat to allow of drainage by gravitation.</p> <p>(h) To continue scientific research on the subject of alkaline deposits and the allied subject of water-logging.</p>

Province.	District.	Canal.	Area of land abandoned.	Percentage of the abandoned area on the total irrigated area.	Remedial measures.
			Acres.		
N.-W. F. P.	Peshawar	Kabul River canal.	410	1.01	In the past, a certain number of artificial drains have been constructed and the natural <i>nalas</i> have been cleared. Starting with the year 1926-27, a regular programme of drain construction and <i>nala</i> clearance, has been laid down. Care is being taken to restrict supplies to those necessary to mature the crops. In the naturally well drained areas of the Government canals in the province, the cause of their being thrown out of cultivation is due, in a large degree, to the natural drainages having been interrupted by bunds or ploughing over for cultivation by the people themselves. Steps are being taken to notify as "drainages" all such <i>nalas</i> in the canal tracts as have not already been so notified, under the Northern India Canal and Drainage Act, 1873.
	Do.	Lower Swat canal.	8,470	5.63	

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I lay on the table the information promised in reply to question No. 597 asked by Mr. A. Rangaswami Iyengar on the 3rd February, 1926, regarding statutory rules.

Since the original statutory rules were framed in 1920 the only rules made under the Government of India Act which under the proviso to section 129-A, sub-section (3), were laid in draft before both Houses of Parliament before they were made were the rules which gave effect to the notification of the Governor General in Council constituting Burma a Governor's Province under the Act, namely, the Burma Electoral Rules, the amendments to the Legislative Assembly and the Council of State Electoral Rules then made, the Burma Legislative Council Rules and the amendments to the Devolution Rules then made.

THE CURRENCY BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I introduce the Bill further to amend the Indian Coinage Act, 1906, and the Indian Paper Currency Act, 1923, for certain purposes and to lay upon the Governor General in Council certain obligations in regard to the purchase of gold and the sale of gold or gold exchange.

Dr. K. G. Lohokare (Bombay Central Division : Non-Muhammadan Rural) : Sir, I am aware of a convention here that the introduction of a Bill.....

Mr. President : Order, order. What is the Honourable Member's point ?

Dr. K. G. Lohokare : I want to reserve my right of opposition.

Mr. President : Order, order. The Honourable Member cannot oppose the introduction. There is no motion before the House. Under Rule 18 the Governor General has got the power to order the publication of any Bill, and in that event it is not necessary to move for leave to introduce that Bill. That procedure has been adopted in this case and the Honourable the Finance Member now merely introduces the Bill as the leave stage has been dispensed with. The Honourable Member can oppose any motion for leave to introduce a Bill, but there is no such motion before the House.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I move for leave to introduce a Bill further to amend the Workmen's Compensation Act, 1923.

The motion was adopted.

The Honourable Sir Bhupendra Nath Mitra : Sir, I introduce the Bill.

THE USURIOUS LOANS (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, the Bill which I seek leave to introduce amends and extends the scope of the Usurious Loans Act, 1918. Honourable Members are of course aware that that is an Act passed enabling the Court to reopen transactions in a suit on the ground that the interest is excessive, or that the transaction as between the parties is substantially unfair. The suits to which the Act applies are defined in sub-section (3) of section 2 of the main Act. They are suits for the recovery of loans or for the enforcement of security in respect of loans. The first amendment my Bill makes in the law is that suits for redemption of securities are included in the suits to which the Act applies. The second amendment is that as the law now stands, agreements purporting to close previous dealings and to create new obligations may not be reopened for a period of six years. The Bill proposes to substitute for the period of six years a period of twelve years. Some years ago, in fact to be accurate in 1922, the Bombay Government proposed to amend the law in the way now done by the Bill. We consulted Local Governments, and a considerable measure of support was received, but we thought that at that time the Act had hardly been in force long enough to justify us in amending it so soon. The Bombay Government have returned to the charge, and we have again considered the matter. The Bombay Government rather wanted local legislation ; we were not in favour of it, and we thought the Act should be amended by this House. That, Sir, is the genesis of the present Bill which I ask the leave of the House to introduce.

Sir, I move for leave to introduce a Bill to amend the Usurious Loans Act, 1918, for certain purposes.

The motion was adopted.

The Honourable Sir Alexander Muddiman : Sir, I introduce the Bill.

THE CODE OF CIVIL PROCEDURE (SECOND AMENDMENT)
BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose.

This Bill, Sir, arises out of certain recommendations of the Civil Justice Committee. If Honourable Members have the Report with them, they will find that in paragraph 1 of Chapter XXVI the Committee suggest that in second appeals the appellant should be required to furnish security for the costs of an appeal, these costs to be arrived at under a system which I need not trouble the House with at the moment. This question of the deposit of costs on a second appeal is not a new one. It has been considered by the authorities concerned on several occasions. The proposal as made by the Committee does not contemplate any discretion to the Courts, and the deposit of costs is to be a condition precedent to all second appeals. We have referred the proposals to Local Governments and Administrations and to the several High Courts. The proposal as made by the Committee was not, as it stood, undoubtedly acceptable to a considerable proportion of those who considered it, and the Bill I am now seeking to introduce narrows the proposals of the Committee in several respects. In the first place, security must necessarily only be furnished when the appeal is an appeal from a concurrent judgment. That reduces the scope considerably. Then further limitations have been inserted. Power is given by my Bill to the High Court to dispense with security for costs when the judgment appealed from is on the face of it erroneous in law, or when a subsequent decision of the High Court or of the Privy Council has modified or altered the law. We further provide that security should be required only on admission of the appeal under Order XLI of the Code of Civil Procedure. Again, we lay down a fresh limitation that the security should be limited to costs of the second appeal ; and last of all, we have provided that security should be furnished only in cash or Government securities. The first three conditions are those mostly suggested by the Governments of Madras, the Punjab, and Bihar and Orissa. I think I need hardly take up the time of the Council by explaining further the other suggestion we have adopted, which is made in the interest of avoiding those delays which are so common when there is a question of ascertaining or testing security. Sir, I move.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : May I ask, Sir, that the opinions received may be circulated before the next motion is made ?

The Honourable Sir Alexander Muddiman : Certainly. I shall be very glad to circulate the opinions.

Mr. President : The question is :

“ That leave be given to introduce a Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose.”

The motion was adopted.

The Honourable Sir Alexander Muddiman : Sir, I introduce the Bill.

THE INDIAN FACTORIES (AMENDMENT) BILL.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I move for leave to introduce a Bill further to amend the Indian Factories Act, 1911, for a certain purpose.

The motion was adopted.

The Honourable Sir Bhupendra Nath Mitra : Sir, I introduce the Bill.

THE NEGOTIABLE INSTRUMENTS (INTEREST) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, the Bill I seek leave to introduce is a Bill further to amend the Negotiable Instruments Act, 1881, and the Code of Civil Procedure, 1908, for certain purposes.

The proposal is a very small one. It was made by the Civil Justice Committee in Chapter XV, paragraph 14, of their Report. The Bill proposes to amend Order XXXVII of the First Schedule to the Code. Order XXXVII is the Order which deals with summary suits on negotiable instruments. The Bill amends the law to make it clear that oral agreements regarding interest cannot be recognised. If there is a stipulation in the document itself, then that is the interest that must be allowed. If there is no stipulation, then the interest must be the interest provided by the Negotiable Instruments Act. The Civil Justice Committee have recommended that this point should be made clear and that, Sir, is the object of my Bill.

Sir, I move for leave to introduce a Bill further to amend the Negotiable Instruments Act, 1881, and the Code of Civil Procedure, 1908, for certain purposes.

The motion was adopted.

The Honourable Sir Alexander Muddiman : Sir, I introduce the Bill.

THE PROVINCIAL INSOLVENCY (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move for leave to introduce a Bill further to amend the Provincial Insolvency Act, 1920, for certain purposes.

This again is a bye-product of the Civil Justice Committee. In their Chapter where they dealt with insolvency matters they made certain recommendations. I need not trouble the House with those which are not referred to in this Bill. One of them was given effect to in the last Session. This Bill gives effect to certain others. Honourable Members might perhaps like the reference. They will find the remarks of the Committee at page 232 and the following pages of the Committee's Report. Briefly, they propose that the Provincial Insolvency Act should be so amended as to have a provision in it analogous to that of section 36 of the Presidency-towns Insolvency Act. That, Sir, is the section which enables

third parties to be examined. I think it is a matter of some importance and most of the authorities consulted agreed that it is desirable.

Another proposal which is inserted in my Bill, to which I personally do not attach so much importance, is the proposal to amend the law so as to enable a committee of inspection to be appointed. That, Sir, has not attracted much comment. Some think that is hardly necessary. But as it has been recommended and as it has received a measure of support, I have inserted it in the Bill which I am bringing forward.

Another very small amendment, which really is of trifling importance, is a proposal of the Committee that the power of the receiver under section 80 of the Act should be restricted. That, I think, is quite a sound proposal. I do not think receivers under the Provincial Insolvency Act exercise those powers. Those who have greater and more recent knowledge of the Courts, I think, will certainly bear me out. But as a matter of academic propriety, it is certainly desirable that they should not exercise those powers. When the Bill was circulated the Rangoon High Court made a useful suggestion regarding the amendment of sections 53 and 54 of the Act and this we have carried out in clause 3 of the Bill. As far as I can understand, this clause is in accordance with the decisions of High Courts and merely clears the law. I want to make it quite clear that these proposals are not in any sense interdependent. They are entirely separate matters. They have been brought into one Bill because they are the product of the recommendations of the Civil Justice Committee. Sir, I move for leave to introduce the Bill.

The motion was adopted.

The Honourable Sir Alexander Muddiman : Sir, I introduce the Bill.

THE INDIAN SUCCESSION (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move for leave to introduce a Bill to amend the Indian Succession Act, 1925, for a certain purpose.

The Bill is of a very simple character, but in my judgment it is of some importance. I need not tell lawyers in this House that in certain parts of India it is not necessary for Hindus who make a will to reduce it to writing. It is so in those parts of India where the Hindu Wills Act does not apply. The Civil Justice Committee have drawn attention to this matter. I may say that it is not in any sense a new discovery ; we have all known it for long and indeed I think so far back as 1865 Professor Whitley Stokes considered that time would not be long before the requirements at any rate of reducing the will to writing were prescribed by law, and he thought that the amendment would come into being quickly. That was in 1865. We are now in 1926. I do not think the Government of India will be accused of precipitancy in bringing this measure forward. I do not propose at this stage to put forward the obvious arguments in favour of the proposal. I think I have sufficiently explained its very simple purpose. When a Hindu wants to make a will, he must reduce it to writing and have it signed and attested in accordance with the ordinary law. That is all that I have included in my Bill. The Civil Justice Committee

[Sir Alexander Muddiman.]

made two further much more difficult and controversial propositions, which did not receive very great support, and I have therefore not included them in my Bill. Sir, I move the motion.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : May I ask the Honourable Member that the opinions on this Bill be circulated ?

The Honourable Sir Alexander Muddiman : Certainly.

Mr. President : The question is :

“ That leave be given to introduce a Bill to amend the Indian Succession Act, 1925, for a certain purpose.”

The motion was adopted.

The Honourable Sir Alexander Muddiman : Sir, I introduce the Bill.

ELECTION OF A MEMBER TO REPRESENT THE LEGISLATIVE ASSEMBLY ON THE COUNCIL OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I move :

“ That this Assembly do proceed to elect a Member to represent this House on the Council of the Indian Institute of Science, Bangalore, in pursuance of the provisions of clause 9, secondly, of the Scheme for the administration and management of the properties and funds of the Institute, which was published in the Gazette of India with the Notification from the Department of Industries and Labour, No. I-10 (T.), dated the 12th February, 1926.”

Members of this House have been furnished with a copy of the Notification to which I have referred. With that notification was published the Scheme for the administration and management of the properties and funds of the Indian Institute of Science. If my Honourable friends will turn to clause 9, secondly, of that Scheme they will find that the Council of the Institute will consist, among other people, of one nominee of the Indian Legislative Assembly, and in my motion I am asking the Assembly to elect that nominee. I need hardly add that the nominee need not be a Member of this House. I would also like to point out that under clause 13 of the Scheme the individual nominated by this House will hold office for three years from the commencement of the year in which the appointment is made ; so that if the nominee of the House, in case he is a sitting Member now, ceases to be re-elected at the next election, he will continue to represent this Assembly on the Council for three years.

Sir, I move.

Dr. S. K. Datta (Nominated : Indian Christians) : Sir, I would like to ask the Honourable Member the grounds on which he demands this particular nomination and what exactly is the special relationship of this Assembly to an important educational institution. I think it was two years or a year and a half ago that we refused to be represented on the governing body of management of a particular educational institution. Has this Assembly given authority to the Honourable Member to include in this Notification a representative of this Assembly ? I personally think that it is a very dangerous precedent for this House to be represented or

institutions whose purpose is completely different to the purpose of this House. I think it would have been far wiser if this particular clause had been omitted from the Notification. There may, however, be reasons of which I am not aware, which led to this decision, and I would ask the Honourable Member to give us further information.

In the second place, Sir, if we once undertake to be represented on the governing bodies of institutions, we do not know where the application of this principle is to stop and that, to my mind, makes this precedent very dangerous. I am however willing to withdraw my opposition to the motion if I can have a satisfactory explanation from the Honourable Member. For it may be that his proposal follows from some time-honoured commitment of which I have no knowledge.

The Honourable Sir Bhupendra Nath Mitra : Sir, the proposal to include a nominee of the Indian Legislative Assembly on the Council of this particular body was one of the recommendations made by the special committee which was appointed in 1921 to make inquiries and recommendations in regard to the Indian Institute of Science, Bangalore. That Committee had for its Chairman Sir William Pope, Professor of Chemistry, Cambridge University, and for its members the late Sir Ashutosh Mukherjee, Sir Henry Hayden and Professor Raman. The report of the Committee was published, and a draft notification embodying the proposals, which thereafter found a place with certain modifications in the Scheme for the administration and management of the properties and funds of the Institute, to which I have already referred, was circulated by the Government of India in 1923 and criticisms were invited on the various items included in the draft notification. Finally the Scheme was published by notification in the Gazette of India on the 12th February, 1926. Up till now no Member of the Assembly or anybody else has objected to a nominee of this House being included in the Council of the Institute.

Mr. M. A. Jinnah : How could they ?

The Honourable Sir Bhupendra Nath Mitra : I am inclined to think that the provision is a desirable one because this House votes a certain amount of money for the expenditure of the Institute. It gives an annual contribution. I think, therefore, that it is desirable that this Assembly should have the power of nominating a member of the Council. As I have said, it does not necessarily follow that that nominee should be a Member of this House. That, I hope, will take away the point of Dr. Datta's objection to which he has been referring.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, I do think there is a great deal of force in what Dr. Datta has brought forward. On a former occasion this House was asked to nominate and to give its consent to nominate its delegates or representatives to the governing body of an Institute in Delhi. This House took the stand that being a Parliament—it was not like municipal bodies—it would degenerate into a body undertaking executive management of institutions. We are legislative authorities of the Central Government. I do not think there is any precedent for a Parliament like this hoping to become a fully responsible body, one-day I do not think any Parliament like the Central Legislature descends to nominating its representative to the governing bodies of institutions. If there should be Members of the Legislature on the governing body, they should be chosen by others on personal grounds.

[Diwan Bahadur T. Rangachariar.]

It is not because the Legislature sanctions it but merely because of individual merit that he should be so chosen. I do not think that this Assembly can undertake this function and I do say, Sir, that Government should think over this motion before they press it to a division. If it is pressed for a division, I am afraid I will have to record my vote against it.

The Rev. Dr. E. M. Macphail (Madras : European) : Sir, I regret that I was unable to hear the last speaker. I think there is a great deal in what Dr. Datta has said, but I support the motion. We find in the local Legislature in Madras that representatives are chosen by it for appointment to the Senate of the University. I think that anything we do in the way of agreeing to make such appointments ought to be jealously scrutinised. But it seems to me that if there is any case in which this House may fitly appoint a Member or some other person to represent it and to look after both the interests of this House and of the institution to which he is appointed, it is to an all-India institution like the Institute of Science in Bangalore. While, therefore, I sympathise with my friend, Dr. Datta, I am still inclined to support the Honourable Sir B. N. Mitra's motion.

Mr. President : The question is :

"That this Assembly do proceed to elect a Member to represent this House on the Council of the Indian Institute of Science, Bangalore, in pursuance of the provisions of clause 9, secondly, of the Scheme for the administration and management of the properties and funds of the Institute, which was published in the Gazette of India with the Notification from the Department of Industries and Labour, No. I-10 (T.), dated the 12th February, 1926."

The Assembly divided :

AYES—50.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Aiyangar, Mr. K. Rama.
Aiyer, Sir P. S. Sivaswamy.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Allison, Mr. F. W.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Clow, Mr. A. G.
Coatman, Mr. J.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Donovan, Mr. J. T.
Dyer, Mr. J. F.
Ghazanfar Ali Khan, Raja.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Graham, Mr. L.
Haig, Mr. H. G.
Hezlett, Mr. J.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Ismail Khan, Mr.
Jones, Mr. T. G.
Lindsay, Sir Darcy.

Macphail, The Rev. Dr. E. M.
Mahmood Schammad Sahib Bahadur, Mr.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Norton, Mr. E. L.
Owens, Lieut.-Col. F. C.
Paddison, Sir George.
Parsons, Mr. A. A. L.
Rahman, Khan Bahadur A.
Raj Narain, Rai Bahadur.
Rau, Mr. B. R.
Reddi, Mr. K. Venkataramana.
Roffey, Mr. E. S.
Roy, Mr. K. C.
Roy, Sir Ganendra.
Sarda, Rai Sahib M. Harbilas.
Sastri, Diwan Bahadur C. V. V.
Sheepshanks, Mr. J.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Townsend, Mr. C. A. H.
Wajihuddin, Khan Bahadur Haji.
Willson, Sir Walter.
Yakub, Maulvi Muhammad.

NOES—14.

Chanda, Mr. Kamini Kumar.
Das, Mr. B.
Datta, Dr. S. K.
Deshmukh, Mr. R. M.
Ghose, Mr. S. C.
Hyder, Dr. L. K.
Jinnah, Mr. M. A.

Joshi, Mr. N. M.
Lohokare, Dr. K. G.
Murtuza Sahib Bahadur, Maulvi Sayad.
Neogy, Mr. K. O.
Rangachariar, Diwan Bahadur T.
Talatuley, Mr. S. D.
Venkatapatiraju, Mr. B.

The motion was adopted.

Mr. President : As the result of the decision just made, I have to announce that nominations for election will be received in the office of the Assembly till 12 Noon on Friday, the 20th August, and the election, if any, will take place in this Chamber on Monday, the 23rd August.

RESOLUTION *RE* APPOINTMENT OF STANDING COMMITTEES TO DEAL WITH BILLS RELATING TO HINDU AND MUHAMMADAN LAW.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, the position in regard to the Resolution* that stands on the paper is rather curious. It was set down for discussion....

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Sir, before the Honourable Member in charge of this Resolution moves, I want to move the adjournment of this motion till the next Assembly meets. Sir,

“ This Assembly recommends to the Governor General in Council that in order to give effect to the recommendation in paragraph 120 of the Report of the Reforms Enquiry Committee the Indian Legislative Rules and the Standing Orders of this House be amended so as to provide as follows :

- (a) two Standing Committees, one to deal with Bills relating to Hindu Law and the other with Bills relating to Muhammadan Law shall be appointed :
- (b) appointments to these Committees shall be made by a Committee of Selection the members of which shall be appointed at one of the first meetings of the Assembly to be held in each year and should hold office for one year from the date of nomination :
- (c) the Committee of Selection shall consist of the President, the Deputy President and the Leader of the House supplemented up to a total number of 12 members on a motion moved by the Leader of the House so as to represent the main divisions of opinion in this House :
- (d) the Standing Committee for Bills relating to Hindu Law shall consist of the Honourable the Home Member, the Honourable the Law Member, if they are Members of the Assembly, and 30 Hindu Members nominated by the Committee of Selection, so as to include persons well versed in Hindu Law and representatives both of the orthodox and reforming sections of the Hindu Community :
- (e) the constitution of the Standing Committee for Muhammadan Law shall be similar to that of the Committee on Hindu Law except for the substitution of 20 Muhammadan Members for the 30 Hindu Members :
- (f) the Members of each Standing Committee shall hold office for one year but may be re-nominated by the Committee of Selection in successive years :
- (g) a Bill which has been referred to the Standing or a special Select Committee in one House shall not be referred to the Standing Committee or a special Select Committee in the other House :
- (h) as soon as leave is given to introduce a Bill other than a Government Bill and, subject to paragraph (g), as soon as a Bill other than a Government Bill which has been passed by the other House is laid on the table of this House, if the Bill is certified by the President to relate to Hindu or Muhammadan Law, it shall be referred to the Standing Committee concerned without further motion :
- (i) the Standing Committee shall have power to examine witnesses and to circulate a Bill, but when it directs circulation the fact shall be reported to the Assembly :
- (j) the further procedure in the Assembly after the report of the Standing Committee is received shall be the same as the procedure on receipt of the report of a Select Committee.”

[Mr. M. A. Jinnah.]

it seems to me that the House stands practically dissolved, and it would not be desirable that we should take the decision of this House at the present moment under those circumstances. I would therefore ask the Honourable Member not to oppose my motion for adjournment and to agree to the adjournment of the motion. When we have a new House we shall be able to deal with this Resolution. I think it will be admitted that this Resolution is of very great importance, and I therefore hope that the Honourable Member will not press his Resolution at this moment.

The Honourable Sir Alexander Muddiman : Sir, before I reply to my Honourable friend, I should just like to complete the sentence I was engaged on. I was explaining that this Resolution was set down for discussion on the 16th September last year. I formally moved the Resolution and, as I was about to speak on it, the Honourable Diwan Bahadur Ramachandra Rao broke in and moved for its adjournment; another Member spoke merely on the adjournment question, and I informed the House that I was prepared to leave the decision as to whether they would take up the discussion then or at a later date to the House itself. Sir, this Resolution has figured on the notice paper many times at the expense of the tax-payer. It is an important Resolution. It is true this Assembly is coming to a close, but it might be argued that gentlemen who have experienced the difficulties of this kind of legislation for two and a half years would be in a better position to discuss it than those who may replace them who may be new and untried legislators. It might be so argued. On the other hand, it is not a Resolution which I desire to force down the throat of the House if the House does not desire to discuss it. I will not oppose Mr. Jinnah's motion and I leave it to the House.

Mr. President : Amendment moved :

"That the further discussion of this Resolution be adjourned till the next Session of this Assembly."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 19th August, 1926.

LEGISLATIVE ASSEMBLY.

Thursday, 19th August, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock
Mr. President in the Chair.

MEMBER SWORN :

Maulvi Abdul Matin Chaudhury (Assam : ~~Muslim League~~).

QUESTIONS AND ANSWERS.

ARRANGEMENTS FOR HAJ PILGRIMS AT KARACHI.

65. ***Khan Bahadur W. M. Hussanally** : (a) Is it a fact that during the Haj season just brought to a close, there were many complaints in the local press at Karachi in regard to the inconveniences suffered by Hajis while in the Haji camp in that city ? If there were any complaints what were they ? Were any of them found to be true on inquiry ? Which of the grievances, if any, were removed ?

(b) Is it a fact that one of the complaints was that some of the members of the Haj Committee were too old or too busy to look into the grievances of Hajis and bring them to the notice of the authorities with a view to have them removed ? If so, what steps have been taken in the matter ?

Mr. J. W. Bhore : (a) The Honourable Member has not specified the nature of these complaints, and I am not sure, therefore, whether the information which Government have been able to obtain from the local authorities covers all the points that he may have in mind. But a comprehensive statement has been prepared, which deals with all the complaints that came to the notice of the authorities concerned at Karachi, and the action taken to meet such of them as were found on investigation to be true. As the statement is a somewhat lengthy one, I do not propose to read it out, but have had copies placed in the Library of the House for the information of Honourable Members.

(b) The Honourable Member probably refers to some comments which appeared in the *Al-wahid* and which he appears to have toned down. The Government of India understand that the local Haj Committee consists of intelligent and influential gentlemen who do all that lies in their power to help the pilgrims, and they see no reason to differ from the judgment of the local authorities in this matter.

Maulvi Muhammad Yakub : Have any alterations been made in the seating accommodation of the Hajis at Karachi and the manner in which they were stamped when they were inspected by the doctor, about which I made a complaint last year ?

Mr. J. W. Bhore : Well, Sir, last year a sum of about Rs. 47,000, if my memory is correct, was sanctioned for additional accommodation for Hajis ; additional sheds were built, additional water supply facilities and many other conveniences were provided.

Maulvi Muhammad Yakub : As regards the stamping of Hajis after they had been inspected by the doctors and like the goats which were taken to the slaughter house, have you made any alterations about that ?

Mr. J. W. Bhore : We have referred the matter to Local Governments.

Maulvi Muhammad Yakub : Have you received any reply ?

Mr. J. W. Bhore : Yes, we have received replies, I think, from some Local Governments, and the whole matter is under consideration.

Khan Bahadur W. M. Hussanally : May I enquire if the accommodation was found short this time even after the expenditure of the Rs. 47,000 of which the Honourable Member spoke ?

Mr. J. W. Bhore : I have no information on that point, Sir, but I shall make enquiry.

ARRANGEMENTS FOR HAJ PILGRIMS AT KARACHI AND BOMBAY.

66. *Khan Bahadur W. M. Hussanally : 1. (a) Is it a fact that the Haj camp at Karachi has been built about six miles from the place of embarkation in an out of the way place and that this adds to the inconveniences and expense of the poor Hajis ?

(b) Do Government propose to build a new Camp for Hajis somewhere within easy reach of the Port and to ask the North-Western Railway to construct a siding into the new camp with a view to carry the Hajis by train direct into the camp and *vice versa* ?

(c) If Government have no land of their own in the vicinity of the Port do they propose to buy or rent the same from the Port Trust in the vicinity of the new West Wharf or elsewhere ?

2. (a) Is it a fact that during the Haj season just closed there were similar complaints at Bombay and more particularly in regard to the ill-treatment of the Hajis there by Port Trust and Police employees ?

(b) If so, what steps have been taken to remove the grievances, if any, in future and to give more humane treatment to Hajis ?

Mr. J. W. Bhore : 1. (a) No. The Pilgrim Camp is only about 3½ miles from the place of embarkation, and there is a tramway covering almost the whole distance between the two places. The Government of India are not aware that any inconvenience or unnecessary expense is caused to pilgrims under existing conditions.

1. (b) and (c) No.

2. (a) and (b) No complaints were received from pilgrims in Bombay on account of the distance between the Musafir-khanas and the place of embarkation, or as to any ill-treatment by officials. The Pilgrim Department under the Protector of Pilgrims, Bombay, is always ready to do everything possible for the comfort of the Hajis.

CONTRACTS FOR THE SUPPLY OF ICE AND SODA WATER ON THE NORTH-WESTERN RAILWAY.

67. *Khan Bahadur W. M. Hussanally : 1. (a) Into how many sections is the North-Western Railway divided for the purposes of the ice and soda water contracts ?

- (b) What is the extent of each division ?
2. (a) Who are the contractors on each of these sections ?
- (b) For how long have these contractors held the contracts ?
3. (a) Are any tenders invited for these contracts ? Is any royalty paid by these contractors, and if so, what ?
- (b) If no royalty is paid, what is the basis upon which these contracts are given out ?
4. Is it a fact that one of these contractors is an individual or a firm residing in Europe, who sublets these contracts, takes a large profit and has nothing more to do with the business ?
5. Are these contractors required to invest any capital in the business connected with their contracts, and if so, what ?

Mr. A. A. L. Parsons : I propose to reply to questions Nos. 67 and 68 together. I have asked the Agent to let me know whether there is any general complaint regarding the arrangements for the sale of ice and soda water at railway stations and on trains on the North-Western Railway, and if so, whether he proposes to take any action to alter the system in order to remedy the complaints. I will communicate the substance of the Agent's reply to the Honourable Member on receipt.

ICE AND SODA WATER CONTRACTORS ON THE NORTH-WESTERN RAILWAY.

+68. ***Khan Bahadur W. M. Hussanally :** 1. Are the ice and soda water contractors of the North-Western Railway required to have their own manufactories ? If so, do they all possess one ? If not, are they at liberty to buy supplies from the Bazaar ?

2. Is it a fact that in the hot weather there is generally a complaint even on main lines of shortage of ice and aerated waters ?

3. Is it a fact that the charges fixed are far in excess of the market rates and leave huge profits to the contractors ? If not, what is the average profit per year by each contractor ?

4. Do Government propose to break up the contract divisions into smaller circles with the object of breaking up monopolies and introducing more competition ?

ACCEPTANCE BY THE GOVERNMENT OF INDIA OF COMMISSION OR REBATE FROM STEAMSHIP COMPANIES ON PASSAGES GRANTED TO GOVERNMENT SERVANTS UNDER THE LEE COMMISSION REPORT.

69. ***Mr. J. Sheepshanks :** Will the Government be pleased to state :
(a) whether it is a fact that the Government of India accept commission or rebate from the Steamship Companies or their Agents on passages granted to Government servants under the Lee Commission Report ?

(b) whether Government is aware, that it is alleged to be due to the above, that certain Steamship Companies have increased their fares by 5 per cent., thus increasing the price of the passages to the general public, and further that this increase will materially add to the amount, which Government has to

†For answer—see answer to Q. No. 67.

pay on all Government passages, granted under the Lee Commission Report ?

(c) whether Government in view of this propose to take any action ?

The Honourable Sir Basil Blackett : (a) The arrangements with the steamship companies are confidential.

*(b) This is the first I have heard of such an allegation ; it seems to me very far-fetched.

(c) In view of the reply to (b) this does not arise.

APPOINTMENT OF PLEADERS OR VAKILS AS PERMANENT CHIEF JUSTICES OF HIGH COURTS.

70. ***Diwan Bahadur T. Rangachariar :** (a) With reference to the following statement of the then Home Member on the discussion on my Resolution regarding the constitution of the High Courts, will the Government be pleased to state what steps have been taken to amend section 101 of the Government of India Act, so as to enable a pleader or vakil of the High Court to be appointed to the position of permanent Chief Justice ?

“ On one point I am certainly at one with him (the mover), namely, that since the reading of the section does, as he says, appear to exclude the possibility of appointing a pleader as permanent Chief Justice of the High Court, that distinction ought to be removed, and the Act ought to be amended in order that it may be possible to appoint a pleader to the position of permanent Chief Justice of a High Court, just as it is possible for him under section 105 to be appointed as officiating Chief Justice. (Vide page 789, Vol. IV of the Assembly Debates). ”

(b) Are the Government aware that great discontent exists amongst the Indian public in that deserving and capable men have had to be passed over in view of that legal disability ?

(c) When do the Government propose to take up the question of getting the necessary legislation passed ?

(d) What has been the cause of the delay so far ?

The Honourable Sir Alexander Muddiman : (a) The Secretary of State has been addressed on the question of the amendment of the Government of India Act in the sense indicated.

(b) The Government of India are not aware of any widespread discontent though persons who are subject to the disability involved by the existing law would no doubt like to see that disability removed.

(c) Does not arise in view of my answer to (a) above.

(d) There has been no undue delay.

Diwan Bahadur T. Rangachariar : Are the Government aware that in the matter of the recruitment to the Judicial Committee of the Privy Council, the Statute was amended so as to allow of Vakils being made also eligible ?

The Honourable Sir Alexander Muddiman : I am aware of that, Sir.

—Diwan Bahadur T. Rangachariar : What is the reason of this long delay ?

The Honourable Sir Alexander Muddiman : My Honourable friend is as well aware as I am that it is not possible for the Secretary of State to take up immediately the amendment of the Government of India Act with regard to every small matter we report to him. These minor matters have to wait till a certain amount of stuff has accumulated.

Diwan Bahadur T. Rangachariar : I am sure the Honourable Member is aware that the Bar Committee made a recommendation to this effect.

The Honourable Sir Alexander Muddiman : That, Sir, is one of the causes of the delay because the recommendation had to be referred to Local Governments.

REMOVAL OF THE OFFICE OF THE DEPUTY POSTMASTER GENERAL, SIND AND BALUCHISTAN, TO THE CIVIL LINES, KARACHI.

71. ***Mr. Harchandrai Vishindas :** (a) Has the attention of Government been drawn to the complaints appearing in the Karachi newspapers against the removal of the office of the Deputy Postmaster-General, Sind and Baluchistan, from business quarters to the Civil Lines, a quarter distant from business centres as well as from the General Post Office, to the great inconvenience of the public ?

(b) What was the reason for this removal ?

(c) What was the rent paid for the old premises and for the new ? If the latter is higher what was the gain to Government in making the sacrifice ?

(d) Do Government contemplate erecting their own building in some central locality for housing this office, and if so, when ?

(e) Is it a fact that the public inconvenience, which the separation of this office from the Bombay Presidency was calculated to relieve, still persists ?

(f) Will Government be pleased to state what advantage has accrued from the separation of this office from the Bombay Presidency ?

(g) Will Government be pleased to state the cost of maintaining this office ?

Sir Ganendra Roy : (a) Although the removal was carried out in December, 1924, no complaints have been received from individual members of the public. It was only on the 31st July, 1926, that I received a copy of a resolution, passed by the Karachi Indian Merchants' Association, protesting against the office having been shifted to the Civil Lines.

(b) The reasons for the removal were that the accommodation in the old building at Beaumont Road was insufficient and that on administrative grounds it was considered desirable to rent a building large enough to accommodate under a single roof the office of the Deputy Postmaster-General, Sind and Baluchistan, the Postal Stock Depot and the office of the Superintendent of Post Offices, Lower Sind Division.

(c) Rs. 225 per mensem for the Deputy Postmaster General's office, Rs. 75 for the Superintendent's office and an approximate assessment of Rs. 107 for the Stock Depot, making a total of Rs. 407, as against Rs. 500 for all three offices. At a cost therefore of Rs. 93 Government has gained increased accommodation and administrative convenience.

(d) The question of erecting a suitable building for the accommodation of the offices of the Deputy Postmaster-General, Sind and Baluchistan, has been deferred for the present.

(e) No.

(f) The advantages gained are that the Deputy Postmaster General, Sind and Baluchistan Circle, is in direct touch with the Karachi Chamber of Commerce and other important bodies in Sind and Baluchistan and can deal with matters on the spot without a reference being necessary to the Postmaster General at Bombay.

(g) Rs. 4,070 per mensem.

COMPLAINTS AGAINST LIEUTENANT WREDDON, MEDICAL OFFICER, KHANPUR, NORTH WESTERN RAILWAY.

72. *Mr. Harchandrai Vishindas : 1. Will Government be pleased to state if it is a fact :

- (a) that Lieutenant Wreddon, Medical Officer now at Khanpur, North-Western Railway, Bahawalpur State, certified Mr. A. Jobe, a railway employee, to be of unsound mind and therefore unfit for service ?
- (b) that the Medical Board disagreed with this certificate and certified Mr. Jobe to be of sound mind ?
- (c) that owing to Lieutenant Wreddon's damaging certificate Mr. Jobe suffered considerable pecuniary loss for which he has not been compensated ?

2. (a) Is it a fact that this same Medical Officer caused to be removed from Khanpur to the Sukkur Civil Hospital by a midday train, Driver Jennings who was suffering from pneumonia and who died on the way ?

(b) What was the necessity of transporting Driver Jennings in a mid-day train and thus jeopardising his life when cases of pneumonia used to be treated at Khanpur ?

3. Is it a fact that the Khanpur railway staff made complaints against Lieutenant Wreddon ?

4. If the above facts be true, do Government contemplate any punitive action against Lieutenant Wreddon ?

The Honourable Sir Charles Innes : As regards the first case, Mr. Jobe while employed as a guard at Jind was certified to be in a bad state of health by Lieutenant Wreddon. In a brief statement of the case which was attached to the certificate, Lieutenant Wreddon explained that he had had Mr. Jobe under observation for some time for unsoundness of mind. Mr. Jobe was examined by the Standing Medical Board at Lahore, who were unable to find any signs of mental derangement, but in view of his history, they recommended that he should be transferred to a bigger station such as Lahore where he could be further observed by other medical attendants. Mr. Jobe has made no representation that he suffered pecuniary loss either to the Government or to the Railway Administration.

2. As regards the second case, the facts are that Mrs. Jennings, against the wish of Lieutenant Wreddon, insisted that driver Jennings should be taken from Khanpur to the Civil Hospital at Sukkur. He was

accordingly taken on 5th February, 1926, and as the journey was being performed in the cold weather, Lieutenant Wredden considered that the midday passenger train was the best train for Mr. Jennings to travel by. He accompanied Mr. Jennings on the journey. Mr. Jennings died at Sukkur on 5th February and not *en route*. Certain complaints were made by the Khanpur staff, but they were personally investigated by the Administrative Medical Officer and were found to be groundless. In these circumstances, the Government see no reason whatever why any action should be taken against Lieutenant Wredden.

Mr. B. Das : May I inquire if this Lieutenant Wredden is a war time medical graduate ?

The Honourable Sir Charles Innes : I have no information on that point.

DISCONTENT AMONG CLASS II OFFICERS OF THE SURVEY OF INDIA.

73. *Maulvi Muhammad Yakub : 1. Are Government aware that widespread discontent exists in the Class II Service of the Survey of India, owing to the present methods of selection from it to the Class I Service ?

2. Do Government propose to ascertain the extent of the discontentment, and allay the apprehensions of those concerned ?

Mr. J. W. Bhore : 1. No.

2. Does not arise.

MEMORIAL TO THE SECRETARY OF STATE FOR INDIA BY CLASS II OFFICERS OF THE SURVEY OF INDIA.

74. *Maulvi Muhammad Yakub : 1. Will the Government be pleased to state :

(a) the date on which the memorandum to the Secretary of State, submitted by the Class II officers of the Survey of India in July 1924, was received by the Government ?

(b) the date on which the Government passed orders on the proposals submitted in the memorandum ?

(c) if it is a fact that the reason given to the memorialists for withholding transmission of their memorandum to the Secretary of State is that it contained no facts and arguments not already included in their memorial of 1921 ?

(d) if it is a fact that the memorialists have since been invited to formulate fresh proposals ?

2. If the reply to part 1 (c) is in the affirmative, will the Government of India be pleased to state the reason why it has taken one year and eight months to arrive at such a decision ?

Mr. J. W. Bhore : (a) July 20th, 1925.

(b) December 8th, 1925.

(c) Yes.

(d) The Government of India have asked the Surveyor General to make recommendations, if necessary, after interviewing individual officers of Class II of the Survey of India or the (Class II) Association, regarding measures to be taken to give relief to certain senior officers whose chances of promotion to Class I appear to be scanty owing to uneven recruitment in the past.

2. The Honourable Member will observe from the reply to (a) and (b) of part I of the question that the Government of India did not take a year and 8 months to pass orders.

INDIANIZATION OF THE RAILWAY SERVICES.

75. ***Mr. Harchandrai Vishindas :** (a) Pursuant to the announcement in the last Session of the Assembly, have Government framed any scheme for the Indianization of the Railway Services ?

(b) How many vacancies in the higher grades of the Railway Services have been filled up to date by Indians and how many by Europeans ?

(c) In filling up appointments do Government make any distinction between graduates and others ? If so, what is the starting salary of graduates and of others ?

Mr. Harchandrai Vishindas : Sir, in putting this question I want to exclude part (a) because of the announcement made by Mr. Parsons yesterday that in the Gazette of India of the 17th July a scheme of Indianization has been published. The other parts of the question have to be answered.

The Honourable Sir Charles Innes : (b) Presumably the Honourable Member desires this information from the 1st April 1926. The information is being called for from Railway Administrations and will be furnished to him when received.

(c) It will be seen from the Regulations appended to the Resolution referred to in (a) above that only graduates are eligible to compete at the examinations for the Civil Engineering and Transportation (Traffic) and Commercial Departments. For the Mechanical Engineering and Transportation (Power) Departments young lads of not more than 19 years of age only will be recruited and trained, and on account of the age limit it is not likely that any graduates will be recruited.

CLAIMS OF QUALIFIED VETERINARY SCHOLARS FOR APPOINTMENT IN THE INDIAN CIVIL VETERINARY DEPARTMENT.

76. ***Mr. Harchandrai Vishindas :** 1. (a) Will Government be pleased to state if any scholars were selected in 1921, for visiting the United Kingdom for acquiring veterinary diplomas making them eligible for appointment to the Imperial Branch of the Indian Civil Veterinary Department ?

(b) If so, is it a fact that one of the terms on which the scholars accepted the scholarships was that they would be "required on qualifying for appointment to the Indian Civil Veterinary Department to sign articles of agreement setting forth the terms and conditions of their appointment" ?

(c) Is it a fact that the scholars who qualified themselves as required by Government were not given any such articles of agreement for signature ? If so, why not ?

(d) Is it a fact that Government have replied to the scholars, who have returned long since after qualifying themselves by satisfying the requisite test, that the Department having been transferred to the Local Governments, representation may be made to the latter direct ?

(e) Have the Central Government issued the necessary instructions to Local Governments to recognise the claims of the said scholars ? If so, to what effect and with what result ?

(f) Is it a fact that the limit of the appointment by the Local Governments is restricted to Rs. 250 and the starting pay of the scholars in question under the scale provided in the Regulations for the grant of State Scholarships is Rs. 350, and that it is not thus possible for the Local Governments to fill up the appointments in question ? If so, what steps have Government taken or intend taking for the employment of these scholars ?

2. (a) Is it a fact that one of the terms on which the scholars accepted the scholarship was that "on their obtaining the diploma of the Royal College of Veterinary Surgeons and undergoing successfully the prescribed post-graduate course they will be given preferential claim to employment in the Indian Civil Veterinary Department" ?

(b) If so, is it a fact that the Punjab and the Bengal Governments have appointed non-scholars, in spite of the applications of the scholars above-mentioned pending before them, notwithstanding the fact that one of the scholars has passed the B. Sc. Examination in Veterinary Science of the London University ?

(c) If so, will Government be pleased to state what provision they intend to make for those scholars in view of the undertaking of the Government to employ them on their qualifying themselves ?

Mr. J. W. Bhore : 1. (a) Yes, five scholars.

(b) and (c) The Regulations for the grant of State Veterinary Scholarships provide that a scholar will be required on qualifying for appointment to the Indian Civil Veterinary Department to sign articles of agreement. Obviously this provision was intended to operate after appointment to the Indian Veterinary Service. As a result however of the recommendations of the Lee Commission the Veterinary Service has been provincialised and it is not now within the power of the Government of India to make any further appointments to that Service.

(d) No.

(e) and (f) The Government of India have addressed Local Governments in the matter, some* of whom are prepared to consider the claims of the scholars on the occurrence of vacancies. Their names have also been noted for consideration when vacancies occur in the Imperial Institute of Veterinary Research, Muktesar. Local Governments have now full power to fix the initial rates of pay, etc., of their existing Provincial Service and the Superior Provincial Veterinary Service which they may hereafter constitute.

*Bengal, United Provinces, Punjab, Bihar and Orissa, Central Provinces.

2. (a) Yes.
- (b) Government have no information on the point.
- (c) The Honourable Member's attention is invited to the replies just given to 1 (e) and (f).

REORGANISATION OF THE MEDICAL DEPARTMENT OF THE NORTH WESTERN RAILWAY.

77. *Khan Bahadur W. M. Hussanally : 1. Will Government be pleased to state :

- (a) if any reorganization of the Railway Medical Department under the independent control of the North Western Railway is under contemplation ;
- (b) if so, whether there is any officer formulating any such scheme for the purpose, and when that officer will be in a position to complete that scheme and put it into execution ;
- (c) the nature and details of the scheme, and if they propose to lay on the table a copy thereof if already matured ;
- (d) whether the Administrative Medical Officer, North Western Railway, Lahore, and the Surgeon General with the Government of Bombay have been consulted in the matter ; if so, whether their views will be laid on the table and if not, why their expert opinion has not been invited ; and
- (e) whether the North Western Railway administration or the Government have found fault with the present working of the Medical Department on that Railway, and if so, what the nature of the defects, if any, are ?

2. If the answer to 1 (a) is in the affirmative, will Government be pleased to state :

- (a) if any estimate of the initial cost of the reorganization of the Railway Medical Department of the North-Western Railway and details of annual expenses have been made out, and if so, what the percentage of increase over the present working of the department is ;
- (b) whether the estimated increase of expenditure has been decided on as absolutely necessary to be undertaken even at this time of financial stringency ; and
- (c) whether the Government propose to bring the entire scheme under the scrutiny of this Assembly, and if so, when ?

3. Are the Government aware that by a separate arrangement, provision of hospital buildings, staff quarters, medical equipment and instruments will have to be made anew involving further expenditure ?

4. Will Government be pleased to state :

- (a) whether in the formation of the new scheme any I. M. S. officers from the Military will be recruited, and if so, what their number will be ;

- (b) what the proportion of such officers to the entire strength of officers appointed under the new scheme will be ; and
- (c) what the total strength of Assistant Surgeons and Subordinate Medical Officers provided under the new scheme will be ?

5. Did the Railway administration consult the Administrative Medical Officers as to how they would absorb the staff so suddenly returned to them, or as to whether they would allow the present Government Sub-Assistant Surgeons to serve under Railway Medical Officers appointed by the Railway Department ?

Mr. A. A. L. Parsons : Early last year Government obtained the services of a senior medical officer of Government to examine the existing arrangements and to suggest means for improving the medical and sanitary arrangements on the North Western Railway. A report has been received and is under consideration at present. The Governments of the Punjab and Bombay have been addressed in the matter and the question will be placed before the Standing Finance Committee for Railways in due course.

RULES GOVERNING THE SENIORITY IN THE ALL-INDIA SERVICES OF PROMOTED PROVINCIAL SERVICE OFFICERS.

78. ***Colonel J. D. Crawford :** 1. Will the Government be pleased to state :

- (a) the number of officers promoted to each of the All-India Services from the Provincial Services during the years 1921, 1922, 1923, 1924, 1925 ; and
- (b) in what cases the officers so promoted have superseded or have been made senior to officers who were in the respective All-India Services at the time promotions were made ?

2. What are the rules governing seniority in the All-India Services, which apply to those officers promoted from the Provincial Services ?

The Honourable Sir Alexander Muddiman : The information is being collected and will be supplied to the Honourable Member in due course.

FAMILY PENSION FUND FOR ALL-INDIA SERVICES.

79. ***Colonel J. D. Crawford :** (a) Have Government accepted the recommendation of the Lee Commission in regard to a Family Pension Fund for All-India Services other than the Indian Civil Service ?

(b) With reference to Earl Winterton's reply to Mr. Pilcher in the House of Commons on the 19th April, has a despatch been received from the Secretary of State outlining a scheme for such a Family Pension Fund for the consideration of the Government of India, Provincial Governments and Service Associations ?

(c) If the answer to (b) above be in the affirmative, do the Government propose to give the various Service Associations an opportunity to consider the scheme, and if so when ?

The Honourable Sir Basil Blackett : (a) The matter is still under consideration.

(b) Yes.

(c) If the scheme is accepted by the Government of India, the Service Associations concerned will be given an opportunity of considering it. It is impossible at this stage to say when a decision on this question will be reached.

Mr. B. Das : May I inquire if Government have got proposals under consideration to give family pensions to Indians of similar status ?

The Honourable Sir Basil Blackett : There is no racial distinction in my answer to this question.

Mr. B. Das : May I inquire if Government are going to give family service pensions to Indians of similar status ? That is all I want to know.

The Honourable Sir Basil Blackett : I have already answered that there is no distinction between Indians and Europeans ; I was speaking of all-India Services.

Colonel J. D. Crawford : Is it fact that this question of family pensions has been under consideration by the Government of India for over twenty years ?

The Honourable Sir Basil Blackett : I can only speak for three and a half.

ELIGIBILITY OF SPECIALIST OFFICERS AND OFFICERS IN PROVINCIAL SERVICES OF EUROPEAN DOMICILE TO THE LEE COMMISSION CONCESSIONS.

80. ***Colonel J. D. Crawford :** Will Government be pleased to state when definite orders will be issued regarding the eligibility of specialist officers, and officers in Provincial Services of European domicile to the benefits recommended by the Lee Commission in paragraph 61 of the Commission's Report ?

The Honourable Sir Alexander Muddiman : Owing to the varying character of the posts held by the officers in question and of the terms of employment in different posts general orders in the matter are not possible. Each case has been considered on its merits by the Local Governments, and in suitable cases recommendations have been made to the Secretary of State that the Lee Commission benefits or part of them should be granted. On some cases the Secretary of State has passed orders, others are under his consideration, while Local Governments will issue orders on others in exercise of the powers recently delegated to them.

Mr. B. Das : Is it not a fact that domiciled Europeans and Anglo-Indians who get into the services as statutory Indians afterwards claim the Lee concessions ?

The Honourable Sir Alexander Muddiman : I would like the Honourable Member to repeat his question since I did not hear a word of what he said.

Mr. B. Das : Is it not a fact, Sir, that Anglo-Indians and domiciled Europeans who claim and get admitted into services as statutory Indians afterwards claim the Lee concessions from Government ?

The Honourable Sir Alexander Muddiman : A great many people claim many things which they never get.

Colonel J. D. Crawford : Am I to understand that any concessions which may be given to these officers will be given with retrospective effect ?

The Honourable Sir Alexander Muddiman : That I am not in a position to answer at the moment. I should like notice.

CONTRACTS FOR THE SUPPLY OF SWEETMEATS TO PASSENGERS ON THE GREAT INDIAN PENINSULA RAILWAY.

81. ***Dr. K. G. Lohokare :** (a) Is it a fact that out of 14 sweetmeat shops on the Great Indian Peninsula Railway given on license to Messrs. Ballabhadas Eswardas of Khandwa 10 have been withdrawn from him without any reasons given therefor ?

(b) Is it a fact that the said contractor, formerly called Jotiprasad Doulatram, has served the Great Indian Peninsula Railway for over 30 years, and that he has won high testimonials of efficiency and good conduct from the railway officers ?

(c) Is it a fact that such a testimonial was recently given him by the District Traffic Manager of Nagpur on the 8th of June 1926 ?

(d) Is it a fact that certain revised orders have been alleged as a reason for cancelling 10 of his shops ?

(e) Is it a fact that Brandon & Co. have been given contracts for refreshment rooms and catering arrangements in the running cars mostly all over the Great Indian Peninsula Railway ?

(f) Is it a fact that the alleged revised orders are not uniformly observed on the line, and that variations have been allowed and authorized in the practical operation of those orders on the Great Indian Peninsula Railway ?

(g) Is it a fact that on the Great Indian Peninsula Railway a number of shops, catering for a number of communities, have been given to one person who does not belong to any of the localities of the shops, and that he is not a professional manufacturer of sweetmeats ? Do the revised orders permit this ?

(h) Is it a fact that complaints are being received from passengers about the sweetmeats, etc., sold by new contractors ?

Mr. A. A. L. Parsons : (a) to (h). Government have no information and do not propose to call for any. The matter is within the competence of the Agent, Great Indian Peninsula Railway, and a copy of the question and this answer will be sent to him.

Dr. K. G. Lohokare : May I know if the person referred to in question No. 30 and the fact that he is a relation of the Chief Food Inspector have anything to do with this ?

Mr. A. A. L. Parsons : I have no knowledge.

PROHIBITION OF THE EMPLOYMENT OF WOMEN IN FACTORIES, MINES AND OTHER ORGANISED INDUSTRIES FOR SPECIFIED PERIODS BEFORE AND AFTER CONFINEMENT.

82. ***Mr. M. N. Joshi :** (a) Is it a fact that the Honourable Sir Bhupendra Nath Mitra had undertaken in his closing speech during the

discussion on the Maternity Benefits Bill, to inquire into the question of the prohibition of employment of women in factories, mines and other organised industries, some time before and some time after confinement and of the provision of the maternity benefits ?

(b) Will Government be pleased to state what steps they have taken or propose to take to institute such an enquiry ?

The Honourable Sir Bhupendra Nath Mitra : (a) No.

(b) Does not arise.

PROHIBITION OF THE EMPLOYMENT OF WOMEN IN MINES.

83. ***Mr. N. M. Joshi :** (a) Will the Government of India be pleased to state whether they have made rules prohibiting the employment of women in mines ?

(b) If they have made such rules will they be pleased to state when these rules will be published ?

(c) If they have not yet made the rules, will they be pleased to make a statement regarding the present position of the question ?

The Honourable Sir Bhupendra Nath Mitra : (a) No regulations have yet been made.

(b) and (c). As the Honourable Member is aware, the question has been discussed with the Standing Advisory Committee attached to the Department of Industries and Labour. The Government of India are now engaged in the preparation of a draft scheme but I am unable to say when any regulations will be finally made. I would remind the Honourable Member that under section 31 (3) of the Indian Mines Act draft regulations have to be submitted to Mining Boards before they can be published and under section 31 (2) the regulations cannot be taken into consideration until three months have elapsed from the date of their publication.

INTRODUCTION OF THE SYSTEM OF SHIFTS IN MINES.

84. ***Mr. N. M. Joshi :** (a) Will the Government of India be pleased to state whether they propose to introduce legislation in this Session for introducing the system of shifts in Indian mines ?

(b) If they do not propose to introduce legislation in this Session, will they be pleased to make a statement regarding the stage at which the question has arrived, and regarding their proposals for the introduction of the shift system ?

The Honourable Sir Bhupendra Nath Mitra : (a) No.

(b) The question was discussed with the Standing Advisory Committee attached to the Department of Industries and Labour and the views expressed by them and by those who were consulted on the question are now receiving the consideration of Government. I am unable to say when legislation will be introduced but I hope the Government of India will have formulated their provisional conclusions on the subject before the next legislative Session.

DATE OF THE COMING INTO FORCE OF THE INDIAN TRADE UNION ACT.

85. ***Mr. N. M. Joshi :** Will the Government of India be pleased to state when the Trade Unions Act will come into force ?

The Honourable Sir Bhupendra Nath Mitra : The Act will come into force after the necessary regulations have been framed and published by Local Governments. It is hoped that it will be possible to bring it into force on 1st April 1927.

INDIANIZATION OF THE SUPERIOR RAILWAY SERVICES.

86. ***Mr. M. N. Joshi :** (a) Is it a fact that the Honourable Sir Charles Innes had undertaken during the discussion on the Railway Budget, to consider the question of making an annual report regarding the Indianization of superior Railway Services ?

(b) Will the Government of India be pleased to state what their decision is in this matter ?

The Honourable Sir Charles Innes : (a) Yes.

(b) A paragraph will be put in the Administration Report each year showing how many vacancies have occurred during the year in the different departments of the several Railways and how these vacancies have been filled.

ISSUE OF AN ANNUAL REPORT ON THE WORKING OF THE WORKMEN'S COMPENSATION ACT.

87. ***Mr. N. M. Joshi :** (a) Will the Government of India be pleased to state whether they have so far issued any report on the working of the Workmen's Compensation Act ?

(b) If they have not, are they prepared to issue an annual report on the working of this Act ?

The Honourable Sir Bhupendra Nath Mitra : The answer to the first part of the question is in the negative and to the second in the affirmative.

PUBLICATION OF AUTHENTIC INFORMATION ON THE LABOUR CONDITIONS IN JAPAN.

88. ***Mr. N. M. Joshi :** Is it a fact that the labour conditions in Japan adversely affect the position of certain industries in India, and if so, do the Government propose to take steps to secure and publish authentic information regarding the labour conditions in that country ?

The Honourable Sir Bhupendra Nath Mitra : The Government of India are not in possession of precise information relating to the first part of the question. The answer to the second part is in the negative.

INQUIRY INTO THE QUESTION OF FORCED OR COMPULSORY LABOUR.

89. ***Mr. N. M. Joshi :** (a) Is it a fact that the question of forced or compulsory labour has been discussed at the meeting or meetings of the League of Nations or of its Committees or of its subsidiary organisations ?

(b) Is it a fact that contradictory statements have been made on this question by delegates representing different interests at one or more of these meetings ?

(c) Are the Government of India prepared to make an authoritative inquiry into this question and publish the results ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes. The question of forced labour was discussed by a Committee of the Sixth Assembly of the League of Nations in 1925 and came up at the Seventh and Eighth International Labour Conferences in 1925 and 1926.

(b) I presume that the Honourable Member is referring to the fact that, at the Seventh International Labour Conference, Sir Atul Chatterjee stigmatized his description of the system of forced labour in India as "a distorted version of the actual facts". The same question was raised at the Eighth International Labour Conference when Sir Atul Chatterjee and Lala Lajpat Rai presented opposing views.

(c) The answer is in the negative.

Mr. N. M. Joshi : May I ask why Government are not prepared to make this inquiry when there is this difference of opinion ?

The Honourable Sir Bhupendra Nath Mitra : Because in the opinion of the Government of India no useful purpose will be served by undertaking any inquiry at present.

Mr. N. M. Joshi : Do the Government of India mean to say that, if they find on inquiry that the system of forced or compulsory labour exists in India, there will be no useful purpose served by stopping it ?

The Honourable Sir Bhupendra Nath Mitra : That implication does not arise out of the answer which I have just given to the Honourable Member.

GRANT OF INCREASED REPRESENTATION TO LABOUR IN THE INDIAN LEGISLATURES.

90. ***Mr. N. M. Joshi :** (a) Are the Government of India prepared to make a statement as to their proposals for granting increased labour representation in the Indian Legislatures ?

(b) Do they propose to give an opportunity to the labour organisations in British India to consider these proposals before they are finally adopted ?

The Honourable Sir Alexander Muddiman : I have nothing to add to the reply I have given to Mr. Venkatapatiraju's question No. 32, dated the 18th August 1926.

Mr. N. M. Joshi : May I ask, Sir, whether the communiqué contains information in regard to the proposals of the Government of India for labour legislation in all the Provinces ?

The Honourable Sir Alexander Muddiman : I would ask the Honourable Member to read the question and my answer.

Mr. N. M. Joshi : May I ask, Sir, what they propose to do as regards labour legislation in Bengal, in Madras, in the United Provinces, and in Bihar and Orissa ?

The Honourable Sir Alexander Muddiman : We do not propose to do anything more at present.

Mr. N. M. Joshi : May I ask, Sir, what they proposed to do as regards labour legislation so far as the Legislative Assembly is concerned ?

The Honourable Sir Alexander Muddiman : I have already answered that question.

Mr. N. M. Joshi : The communiqué does not contain the answer at all.

The Honourable Sir Alexander Muddiman : I answered that yesterday. The Honourable Member has not read my answer.

INTRODUCTION OF SPECIAL LEGISLATION TO PROTECT LABOURERS AGAINST ATTACKS BY EUROPEANS.

91. ***Mr. N. M. Joshi :** (a) Will the Government of India be pleased to state whether their attention has been drawn to any recent cases of deaths of labourers alleged to have been due to kicks or blows given by Europeans ?

(b) Will the Government of India be pleased to state whether they propose to undertake special legislation for the protection of labourers in India against physical attacks by Europeans ?

The Honourable Sir Alexander Muddiman : (a) Such cases are reported to the Government of India.

(b) The answer is in the negative. The Government of India have no reason to suppose that the provisions of the Indian Penal Code are inadequate.

Mr. B. Das : May I just inquire if Government will institute a family pension fund to relieve the families of labourers when they die of kicks from Europeans ?

The Honourable Sir Alexander Muddiman : Does the Honourable Member propose to subscribe to it ?

PRIVILEGES OF INDIAN DRIVERS ON THE NORTH-WESTERN RAILWAY AS REGARDS LEAVE AND FOREIGN RAILWAY PASSES.

92. ***Mr. N. M. Joshi :** (a) Is it a fact that Indian drivers on the North-Western Railway do not possess all privileges which are possessed by European drivers as regards leave and foreign railway passes ?

(b) If so, do Government propose to remove these inequalities ?

Mr. A. A. L. Parsons : (a) and (b). Drivers of Indian domicile whether they are Europeans, Anglo-Indians or Indians come under the same leave rules. Those whose domicile is non-Asiatic are subject to special leave rules. The different sets of leave rules for officers of Asiatic and non-Asiatic domicile have been introduced after full consideration and the Government do not propose to modify them.

As regards foreign railway passes so far as Government are aware there is no distinction. A copy of the question and answer will, however, be sent to the Agent, North-Western Railway.

EMPLOYMENT ON MONTHLY SALARIES OF INDIAN SHUNTERS AND FIREMEN ON THE NORTH-WESTERN RAILWAY.

93. *Mr. N. M. Joshi : (a) Is it a fact that on the North-Western Railway a large number of Indian shunters and firemen are on daily rates of pay ?

(b) If so, do the Government of India propose to put them on the monthly rates ?

The Honourable Sir Charles Innes : (a) Firemen and shunters on the North-Western Railway are divided into four classes, Classes I and II for illiterate and partly literate employees and Classes III and IV for literate employees. Classes I and II are on daily rates of pay and Classes III and IV on monthly rates.

(b) Government do not propose to bring the men in Classes I and II on monthly rates of pay.

EYESIGHT TEST OF EMPLOYEES OF THE NORTH WESTERN RAILWAY.

94. *Mr. N. M. Joshi : (a) Is it a fact that the North-Western Railway employees were once allowed to pass the Night Vision Examination with glasses ?

(b) Is it a fact that this has now been disallowed ?

(c) Are the Government of India prepared to restore to them the privilege of passing the said examination with glasses ?

The Honourable Sir Charles Innes : (a), (b) and (c). The Government of India understand that the rules for testing eyesight on the North-Western Railway differ for different classes of employees. For instance, the test is more severe for staff actively employed in connection with the working of trains than for staff whose duty is entirely unconnected with the movement of trains. The Government of India do not know to which class of employees the Honourable Member's question relates. In any case, the rules have been drawn up in consultation with competent medical advice and there can be no question of restoring a privilege in defiance of that advice.

TREATMENT OF THE FRONTIER ALLOWANCE AS PART OF PAY FOR GRATUITY AND FREE PASSES BY THE NORTH-WESTERN RAILWAY.

95. *Mr. N. M. Joshi : (a) Is it a fact that on the North-Western Railway the frontier allowance is counted as pay for the purpose of the Provident Fund ?

(b) Is it a fact that the said allowance is not counted as pay for gratuity and free passes ?

(c) Are the Government of India prepared to treat the allowance as part of pay for gratuity and free passes also ?

Mr. A. A. L. Parsons : (a) It has recently been decided that frontier allowance is a compensatory allowance which does not count as pay for purposes of the State Railway Provident Fund.

(b) Yes.

(c) No.

EXTENSION TO THE EMPLOYEES OF THE NORTH-WESTERN RAILWAY OF THE PRIVILEGE OF OBTAINING LOANS FROM THE PROVIDENT FUND FOR MARRIAGES AND FOR BUILDING HOUSES.

96. ***Mr. N. M. Joshi** : (a) Is it a fact that on the North-Western Railway subscribers to the Provident Fund are not granted loans out of the Fund for marriage and for building a house ?

(b) Are the Government of India prepared to extend the privilege to their employees on the North-Western Railway ?

Mr. A. A. L. Parsons : The State Railway Provident Fund Rules do not allow advances for the purposes named.

INSTITUTION OF A SYSTEM OF PROVIDENT FUND AND GRATUITY FOR THE WORKERS IN THE CORDITE FACTORY AT ARUVANKADU.

97. ***Mr. N. M. Joshi** : (a) Is it a fact that the workers in the Cordite Factory at Aruvankadu are not given any gratuity or that there is no provision for a Provident Fund for them ?

(b) Has the attention of the Government of India been drawn to the representation made by the Cordite Factory Labour Union to the Master General of Supplies for instituting a system of Provident Fund and gratuity for the workers in the Cordite Factory ?

(c) What steps, if any, do the Government of India propose to take to provide for the old age of the workers in the Cordite Factory and also for making some provision for the dependants after the death of the workers ?

Mr. E. Burdon : (a) The answer to this question, so far as it relates to the "provision of a Provident Fund", is in the affirmative. Temporary workers on discharge are given gratuities from the Fine Fund of the factory, provided the money is available ; dependents of deceased workers are also given donations from this Fund, at the discretion of the authorities concerned.

The case of permanent workers is governed by the rules in the Civil Service Regulations.

(b) I presume the Honourable Member is referring to the resolution which was passed on this subject on the 29th and 30th August 1925 at the Second Conference of the Cordite Factory Labour Union, Aruvankadu, a copy of which was communicated to the Master General of Supply. This the Government have seen.

(c) The question of instituting a Provident Fund for temporary workers in the Ordnance factories is at present under consideration.

GRIEVANCES OF WORKERS IN THE ARSENAL AT KIRKEE.

98. ***Mr. N. M. Joshi** : (a) Has the attention of the Government of India been drawn to the representation made by the President of the Kirkee Arsenal Workmen's Union to the Quarter Master General ?

(b) Is it a fact that the said representation states :

(i) that the wages of workmen are low, and

(ii) that there are no rules regarding workmen's promotion to higher ranks, annual increment of wages, leave, discharge, gratuity and Provident Fund ?

(c) Is it a fact that workmen in the Factory are discharged without even a month's notice ?

Mr. E. Burdon : (a) I presume the Honourable Member is referring to the representation from the President of the Kirkee Arsenal Workmen's Union, dated the 24th April 1926. This the Government have seen.

(b) (i) and (ii) Yes.

(c) Yes. The workmen are daily paid labourers, and have to be engaged or discharged according as the volume of work increases or decreases. Only men paid by the month are entitled to a month's notice before discharge.

SPECIAL REPRESENTATION FOR BHILS IN THE BOMBAY LEGISLATIVE COUNCIL.

99. ***Mr. N. M. Joshi :** (a) Have the Government of India received through the Government of Bombay a representation made by the President of the Bhil Seva Mandal asking for special representation for the Bhils in the Bombay Legislative Council ?

(b) Will the Government of India be pleased to state what they propose to do in the matter ?

The Honourable Sir Alexander Muddiman : (a) The answer is in the affirmative.

(b) There are now two nominated seats in the Bombay Legislative Council for the representation of depressed classes. The allotment of these seats is a matter for His Excellency the Governor of Bombay.

Mr. N. M. Joshi : May I ask whether the Bhils are considered to be a depressed class ?

The Honourable Sir Alexander Muddiman : I am not personally on familiar terms with the Bhils, but I always understood they were.

Mr. N. M. Joshi : May I ask whether the Government of India will make an inquiry ?

The Honourable Sir Alexander Muddiman : No, Sir. The Government of India will not make an inquiry. That would be a matter for the Government of Bombay.

REGULAR PUBLICATION OF THE POSTAL GRADATION LIST OF THE NILGIRI DIVISION.

100. ***Mr. N. M. Joshi :** (a) Will the Government of India be pleased to state if Superintendents of Post Offices are required by the rules of the Department to supply copies of the divisional gradation list to each official of the clerical grade in their division, and if so, how often are the gradation lists to be published and supplied ?

(b) Was any representation received by the Postmaster General Madras, that the gradation list of the Nilgiri Division was not published for the last half a decade, and that the several letters addressed to the Superintendent of that Division by the Coimbatore Branch of the Madras Circle Postal Association were not even acknowledged or replied to ?

(c) When was the divisional gradation list published last in the Nilgiri Division and what action was taken by the Postmaster-General, Madras, regarding its non-publication in subsequent years ?

(d) Do the Government propose to instruct the Superintendent of Post Offices, Nilgiri Division, to publish the list regularly ?

Sir Ganendra Roy : (a) Yes, once a year.

(b) No.

(c) In 1919. In subsequent years a gradation list was maintained by the Superintendent himself and a copy was sent to the Postmaster-General who was not in a position to know that it had not been supplied to the officials of the Division.

(d) The Superintendent has already taken steps to issue the gradation list annually and to supply a copy regularly to each official in his Division.

DIMENSIONS, MEASUREMENTS AND DESCRIPTION OF THE QUARTERS OF THE INDIAN STATION MASTERS AND ASSISTANT STATION MASTERS OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

101. ***Mr. N. M. Joshi :** (a) What are the dimensions, measurements and description of the quarters of the Indian station masters and assistant station masters of the old Madras Railway now in possession of the Madras and Southern Mahratta Railway ?

(b) What are the dimensions, measurements and description of the quarters of the Indian station masters and assistant station masters of the Madras and Southern Mahratta Railway Company that have been newly constructed and are being constructed ?

The Honourable Sir Charles Innes : (a) and (b) The information asked for is being supplied to the Honourable Member separately.

ARTICLE IN THE "SWARAJYA" REGARDING QUARTERS FOR STATION MASTERS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

102. ***Mr. N. M. Joshi :** (a) Has the attention of the Government of India been drawn to an article published in the *Swarajya* of the 28th May 1926 under the heading "Station Masters' Quarters" ?

(b) What steps do the Government propose to take in the matter ?

The Honourable Sir Charles Innes : (a) Government have seen the article referred to.

(b) A copy of this question and answer will be sent to the Agent, Madras and Southern Mahratta Railway, for such action as he may consider necessary.

CONSTRUCTION OF AN OVERBRIDGE AT SIMULTALA ON THE EAST INDIAN RAILWAY.

103. ***Mr. N. M. Joshi :** (a) Are the Government aware that no railway overbridge exists at Simultala station at the 217th mile on the main line of the East Indian Railway, and that great inconvenience is thereby caused to the passengers generally and the patients attending the United Church Mission Hospitals at Bamdah in particular, as the latter are mostly sufferers from eye diseases and often almost blind from cataract ?

(b) If the answer to (a) is in the affirmative, will the Government state whether they contemplate constructing an overbridge for the convenience of passengers, and if so, when ?

Mr. A. A. L. Parsons : Government understand that the Agent, East Indian Railway, has already taken steps to provide an overbridge at Simultala.

GRIEVANCES OF PROBATIONERS APPOINTED TO THE SUPERIOR SERVICES ON THE SOUTH INDIAN RAILWAY.

104. ***Mr. K. Rama Aiyangar :** Has the attention of the Government been drawn to the leader in the *Swarajya*, Madras, dated June 10th, 1926, regarding " Indian Railways " ? Will the Government be pleased to state whether the grievances mentioned therein are true, and if so, what steps the Government propose to take to remedy them ?

Mr. A. A. L. Parsons : I understand the Honourable Member to refer to the statement in the article which he mentions that a scheme has been introduced on the South Indian Railway under which Indian candidates for the superior services are on probation for four years, during which period they receive an allowance of Rs. 50 per mensem and are not allowed leave ; and that there is no definite guarantee of appointment at the end of the period of probation.

Government have no information on the subject, but will make enquiries.

RECOMMENDATIONS OF THE ECONOMIC ENQUIRY COMMITTEE AND THE TAXATION ENQUIRY COMMITTEE.

105. ***Mr. K. Rama Aiyangar :** 1. (a) Will the Government be pleased to state what steps have been taken to give effect to the recommendations of the Economic Enquiry Committee ?

(b) Under what heads has action been taken, if any ? Have the Government taken all possible steps to collect the necessary statistics ? If not, what is the reason for the delay ?

(c) Have the Local Governments been addressed to give effect to the recommendations ? What replies, if any, have been received, and will the Government be pleased to lay them on the table ?

2. Do the Government propose to indicate to the Assembly their inclination to abolish any existing taxation, or substitute or add other taxation, in connection with the recommendations of the Taxation Enquiry Committee, before the Report comes up for consideration by the Legislative Assembly ?

The Honourable Sir Basil Blackett : 1. The Honourable Member no doubt realises that it is not possible to give effect to the great majority of the recommendations without securing the co-operation of Provincial Governments which will have to bear much of the additional expenditure involved. I lay on the table a copy of the letter addressed by the Government of India to Provincial Governments on the 23rd October, 1925. The difficulties involved will be apparent from the fact that hitherto only three of the Provincial Governments have found it possible to send replies. When all the replies have been received, they will be printed and copies

laid on the table in due course. Meanwhile, the Government of India are considering the various recommendations in so far as they affect them.

2. As regards part (2) the Honourable Member is no doubt aware that the Report of the Indian Taxation Enquiry Committee will come up for discussion in the Legislature to-day.

No. D.4299-F.

GOVERNMENT OF INDIA.
FINANCE DEPARTMENT.

FROM

THE HONOURABLE MR. A. C. MCWATTERS, C.I.E., I.C.S.,

TO

ALL PROVINCIAL GOVERNMENTS.

Simla, the 23rd October, 1925.

SUBJECT:—*Report of the Indian Economic Enquiry Committee.*

SIR,

I am directed to invite your attention to the Report of the Indian Economic Enquiry Committee, copies of which have already been forwarded to you. The record of the evidence of witnesses, which is being separately printed, will be forwarded as soon as available. The appointment of the Committee was, as explained in the first chapter of their Report, the result of Resolutions passed in both chambers of the Central Legislature. The reference to the Committee embraced not only an examination of the material at present available for framing an estimate of the economic condition of the various classes of the people of British India and a report on its adequacy but they were asked to make recommendations as to the best means by which the existing material might be supplemented and as to the basis on which a general economic survey should be carried out.

2. The report of the majority of the Committee may be said to fall into two distinct parts. The first deals with general statistics other than production, which, as the Committee admit, are more or less complete. With reference to these they make a number of detailed suggestions with the object of their improvement and extension, most of which are primarily for the consideration of the Central Government. A statement of these recommendations is attached as *Appendix A* to this letter. In addition, however, to their detailed recommendations they make two general recommendations (1) that the further improvement of these general statistics, so as to bring them into line with up-to-date statistical systems abroad, might be effected with the aid of a committee or conference of statistical experts, and (2) that their general recommendation (which will be referred to later) for centralisation of statistics should apply also to the statistics in this class (paragraph 40). The intention of this recommendation is, as shown in paragraph 82, that apart from purely departmental publications, which do not contain any information required for the economic purposes of the Central and Provincial Governments, all publications should come under the technical guidance of a central statistical authority.

On this part of the Committee's report the views of local Governments are invited on such points as concern them in the detailed recommendations and on the general questions mentioned above, the latter of which contemplates a somewhat closer control, than exists at present, over Provincial publications by the Central Department of statistics.

3. The second and more important part of the Committee's Report deals with Statistics relating to (a) production and (b) estimates of income, wealth, cost of living, indebtedness, wages and prices, the object of the Report being to recommend an organisation for the collection and publication of statistics of this class which should constitute a survey of the entire economic fabric of the country. The organisation proposed consists first, of a *Central Bureau* under the Government of India, with a *Director of Statistics* and 2 *Assistants* (a third Assistant being employed periodically

for the work of census of population) and necessary clerical staff. The additional cost to the Central Government is estimated at Rs. 75,000 per annum, plus Rs. one lakh for initial equipment and Rs. 25,000 quinquennially for periodical surveys. This estimate (which for the work contemplated seems exceedingly low) will be examined separately by the Government of India. Secondly, *Provincial Bureaux* in each Province, with which should be amalgamated existing labour offices where they exist. At the head of each Bureau would be a Provincial Statistician (who might in some provinces combine the duties of the Director of Land Records), one Assistant for Headquarters and a number of Assistants (usually one for each Revenue division) for district work. Under each Assistant would be—

- (1) 20 to 25 inspectors (whose number might be reduced to 10 or 12 after 2 years) for collection of production statistics. These inspectors would, in fact, work under the control of the Revenue Department subject to the guidance of the Assistant Statistician, and their duties would be to collect data regarding forms of production which are not supplied direct by departments. They would work in close association with local agencies, such as Co-operative Credit Societies and Panchayats. (Paragraphs 88 to 91).
- (2) 15 to 18 investigators, who would ordinarily be graduates, under-graduates or retired revenue officers who would be engaged on intensive enquiries into wealth, income, etc. These would form part of the statistical establishment though associated in some degree with the revenue establishment. It is contemplated that each investigator would be able to deal with 12 villages a year in rural tracts and 600 families a year in urban tracts, so that in 5 years data would have been collected for 20 per cent. of the town population and 12½ per cent. of the rural population. (Paragraphs 93 to 96).

A special staff of tahsil-clerks, would also be required for the compilation of statistics of agriculture and other miscellaneous products (Paragraph 92).

Thirdly, *Advisory Boards* of Economic Enquiry are contemplated for each province, while the present Publicity Advisory Committee of the Central Government would be expanded by the addition of two official and two non-official members with statistical experience to form a Central Advisory Board. It is suggested that non-official members of these Boards should be paid a fee for attending the meetings at all events for the first few years (Paragraphs 86 and 87).

The cost of these proposals to Provincial Governments has been worked out by the Committee roughly on a population basis and is estimated for all provinces as Rs. 56.59 lakhs per annum in addition to 30.61 lakhs for initial equipment, which would be spread over the first 2 years.

4. The general object for which this organisation is recommended is, as explained in paragraph 70 of the Report, that the entire economic fabric of the country should be closely sifted by a survey. For the purpose of this survey the Committee accept, with minor modifications, the division into 12 occupational classes adopted at the last population census and for the larger economic zones the provincial natural divisions adopted in the Census Report of 1921. The survey will concern itself with statistics (a) of production and (b) of income, wealth, etc. Statistics of production will be collected under seven main heads :—(1) Agriculture, (2) Pasture and Dairy Farming, (3) Forests, (4) Fisheries, (5) Mines, (6) Large industries, and (7) Cottage industries. For large industries the annual statistics will be supplemented quinquennially by a detailed census of production. For production of all kinds the figures will be obtained through Government departments by means either (a) of the existing agency or (b) of the additional special staff of inspectors already referred to. A summary is attached as *Appendix B* to show in more detail what the Committee contemplate under the various production heads.

Statistics of income and wealth, etc., will be obtained by intensive studies carried out by the special investigators and the results will be included in the summary and published from year to year with the annual provincial statistics. (Paragraphs 76 to 78). Special enquiries will also be undertaken on special subjects by the investigating staff (which may be strengthened for the purpose) on any subject of local importance which may be prescribed by the local Governments from time to time, such as fragmentation of holdings, unemployment among the middle classes, condition of the depressed classes and unemployment in rural areas. The enquiries of the investigators will include estimates of collective private wealth and national wealth. Additional detail as to what the Committee propose in respect of estimates of income and wealth is given in *Appendix C*.

QUESTIONS AND ANSWERS.

5. It will be clear from the above summary of the organisation proposed and the scope of its activities, that local Governments are most intimately concerned both financially and in regard to the practical working of the proposals. They are further concerned in two general proposals which are made by the Committee (1) that all work in connection with statistics should be co-ordinated and centralised and that the statistics of all the Departments, both of the Central and Provincial Governments, should be brought under the supervision of one central authority, who should be the adviser of Government in statistical matters; and (2) that there should be a Census and Statistics Act the main object of which will be to place the whole organisation on a legal basis and to empower officers to demand the supply of information under legal penalties, guarantees being provided against disclosure of information (Paragraphs 82 and 83).

6. The Minority Report by Professor Burnett Hurst while dissenting from some of the principles and most of the details of the Committee's recommendations, contemplates the organisation of a Central Statistical Bureau and of Provincial Bureaux. He would abandon the idea of carrying out enquiries into individual wealth, but recommends (a) a series of intensive enquiries by the collection and analysis of a large number of family budgets under the supervision of Provincial Boards of Economic Enquiry who will employ special investigators, quite distinct from the official statistical establishment and (b) the collection of statistics of production, wages and prices by the extensive method through the agency of the department or branch of administration with which the statistics are associated, under the control of the Central and Provincial Bureaux of statistics; e.g. the statistics of agriculture would be taken over by the Department of Agriculture and statistics of production of small scale industry would be collected by the subordinate staff of the present departments of industries or the Co-operative Departments or by a special staff of investigators working under these Departments. Professor Burnett Hurst supports the proposal for a detailed census of production of large industrial establishments quinquennially and for a quinquennial wage-census. He considers, however, that the necessary powers of compulsion can be granted to the Statistical Bureaux by amending the Factories Act instead of introducing special legislation.

Professor Burnett Hurst estimates that the cost of the Provincial Bureaux, where no labour offices at present exist, would be about one lakh of rupees per annum for each Province, but he attempts no estimate of cost of the intensive and extensive enquiries recommended, which he would leave on an elastic basis depending on the extent of the enquiries which each local Government or which the Provincial Boards of Economic Enquiry decide to undertake.

7. The Government of India feel sure that local Governments will appreciate the underlying object of this Report which is to improve the standard and extend the scope of the statistical material available for an estimate of the economic condition and resources of the country and will share their desire to give effect to any practical proposals which will contribute to this object and which can be undertaken at a reasonable cost. But in view of the financial considerations involved and of the necessity for co-operation, between local Governments and the Central Government in any measures which may be approved, and in view also of the important administrative considerations implied in proposals such as those for the estimate of individual wealth by a staff of investigators and for legislation to make compulsory the supply of information to the Government Statistical Department, they desire in the first instance to invite the views of local Governments upon the proposals of the Committee, both in the Majority and the Minority Reports, before taking any further action and at the present stage they refrain from comment upon the details regarding which the local Governments will in most instances be in the best position to advise. They would be glad if the views of the local Government could be forwarded to the Government of India at their earliest convenience.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) A. C. McWATTERS,

Secy. to the Govt. of India.

No. O-4299-F.

Copy forwarded to the

Department of Commerce.
Department of I. and L.
Department of E., H. and L.
Home Department.
Foreign and Political Department.
C. B. R.

By order, etc.,

(Sd.) A. C. McWATTERS,

Secy. to the Govt. of India.

APPENDIX A.

General statistics other than production.

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| 1. Report of Joint Stock Companies. | Should contain information regarding the dividends declared. | Para. 26. |
| 2. Statistical Abstract | Should contain statistics relating to Insurance Cos. for purposes other than Life Insurance. | Para. 26. |
| 3. Internal Trade Returns | Should be revived and brought into line with the more up-to-date statistics of countries like the U. S. A. | Para. 30. |
| 4. Sea-Borne Trade and Navigation accounts. | Figures as to the crew employed, especially on ships plying in coastal waters should be published. | Para. 34. |
| | Suggests that in addition to figures for costs which are taken along with the Cattle census, figures of motor and all other forms of transport, including boats should be collected and published. | Para. 35. |
| 6. Roads and Navigable canals | Information regarding length of metalled and unmetalled roads and navigable canals, now maintained by Provincial authorities should be put together for the whole of India. | Para. 36. |
| 7. Posts and Telegraphs | Figures relating to wireless messages and broadcasting stations might be published in Annual Reports of Posts and Telegraphs Department. | Para. 37. |
| 8. Education | Information relating to libraries, museums, zoological and botanical gardens and learned societies might be collected and published in the Statistical Abstract. | Para. 38. |

APPENDIX B.

Statistics of Production.

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| 1. General recommendation | That complete statistics of production including the total value of production, should be collected, if it is possible to do so at a reasonable cost. | Para. 41. |
| | The best method would be by improving and amplifying the existing agricultural statistics, and where a subordinate revenue agency exists, no other agency for compiling the information can be usefully substituted for it. | Para. 44. |

- What is necessary is to improve the statistics of yield where necessary and to convert the quantities into values. Para. 45.
2. Condition of crops .. System of ascertaining condition of crops in force in Punjab is recommended and could be further improved. Para. 48.
3. Standard yield and crop experiments. The number of crop experiments, on which standard yield is based, should be considerably increased and should be extended to minor crops as well. It is for each provincial Government to decide what methods its officers should adopt for increasing the number of crop experiments performed from year to year. Para. 50.
4. Fruit and vegetables .. Valuation of fruit and vegetables should be included. Para. 51.
5. Valuation of produce .. System outlined for making calculation of value, village by village. Para. 52.
6. Review of agricultural production. If above system is employed a periodical census of agricultural production is unnecessary, but a review of agricultural production might be made quinquennially on the basis of the annual returns. Para. 53.
7. Tracts under permanent settlement. The collection of figures of agricultural production presents special difficulties in permanently settled areas (i.e., Bengal, Bihar and Orissa, also 1/3 of Madras and parts of the United Provinces and Assam). No definite suggestion is made, but steps which are already being taken by some Governments should be persisted in until the statistics of agricultural production are placed on a par with those of ryotwari Provinces as regards reliability of the outturn and values of the crops raised. Para. 54.
8. Cattle census and pastoral products. Should if possible be held annually everywhere, as in Burma and the Central Provinces, and should include figures for various animals specified and for production, quantity and value of different pastoral products. Para. 55.
9. Forests .. The methods employed in other provinces for recording forests produce should be applied in Burma. Figures regarding production from private forests should be obtained, so far as possible, through the Revenue Department and published.
10. Fisheries .. Existing statistics are incomplete. Should aim at ascertaining amount and value of total catch in both inland and sea fisheries, and in respect of special fisheries such as chank, pearl and oyster fisheries. Para. 57.

Organisation suggested, in addition to the Fisheries Department where one exists, and collection of data in regard to big cities, is the revenue agency supplemented by the inspectors who may be appointed for ascertaining the production of cottage industries and other forms of miscellaneous production.

11. Minerals

The information at present collected through the Chief Inspector of Mines should be supplemented for all mines which are not dealt with by the Department of Mines including indigenous mining, the statistics being collected by the Revenue Department under instructions from the Chief Inspector of Mines. The information required should be quantity and value of minerals produced, the number of persons employed and value of other material used up, including fuel consumed or power employed. Para. 58.

12. Large-scale industries

In respect of all large-scale industries statistics should be collected through the Department of Industries and published annually in respect of :— Para. 59.
 (a) Quantity and value of manufactured goods,
 (b) Quantity and value of raw material used up in production,
 (c) Added value of manufactures,
 (d) Value of fuel or power used,
 (e) Number of employees.

A regular census of production of large industries should be taken quinquennially. Legislation will be necessary for the census of production for large scale industries.

13. Cottage industries

An estimate of the quantity and value of the total annual production of cottage industries should be ascertained with the estimated value of raw material used up, also number of persons employed wholly or partially in such industries, number and kind of machinery, etc. Para. 60.

APPENDIX C.

Statistics of Income and Wealth, etc.

1. Income tax returns .. In the income tax returns greater details of the sources of income, i.e., of the business, profession or occupation from which it is derived, may be given. Para. 62.

2. Investigations as to income General investigations as to income should be carried out every year for small typical areas, in both urban and rural tracts, so as to enable eventually estimates of income of classes and administrative units and distribution of income between production and services and between property and services to be worked out. Paras. 62 & 63.

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|----------------------------|--|-----------|
| 3. Investigation of wealth | Estimates of local collective wealth should be prepared from outset by the "inventory method" for villages, towns and cities, by evaluating area of land, number of houses and cattle, rough estimate of furniture and implements, etc. Estimates of public wealth should be included. | Para. 64. |
| | Whenever possible intensive house to house enquiries should be made by investigators. | |
| 4. Cost of living .. | The existing information on the subject should be supplemented by the preparation of cost of living index numbers for working classes in the principal industrial centres and index numbers based on family budgets of typical families of other classes. | Para. 65. |
| 5. Indebtedness | Intensive studies should be made and results published regarding extent of indebtedness of various classes and tracts, causes of indebtedness, rates of interest and sources of loans. | Para. 66. |
| 6. Wage census | Suggests a quinquennial wage census and annual wage returns. | Para. 67. |
| | See Appendix 7 and Chapters VII, VIII and IX. | Para. 69. |
| 7. Prices | The collection of prices should be placed on a comprehensive basis. | |
| | Wholesale prices should be collected fortnightly in respect of all agricultural products in each district at the principal market towns. | |
| | Retail prices should be collected weekly from the principal towns in each province and published as at present. | |
| | There should be honorary correspondents for reporting both kinds of prices. | |
| | Both wholesale and retail prices should be published collectively for the year, both provincially and centrally. | |

EXPENDITURE DURING 1925-26 FOR THE SEVERAL MAJOR HEADS.

106. *Mr. K. Rama Aiyangar : (a) Will the Government be pleased to state what the actual expenditure for 1925-26 has been for the several major heads, such as Army, Railways, Posts and Telegraphs, General Administration, and other principal heads of expenditure ?

(b) Will the Government be pleased, if no audited figures are available, to give the approximate figures for the actuals ?

The Honourable Sir Basil Blackett : The Government accounts cover a very large variety of transactions and complicated adjustments which it is not possible to complete before the end of October at the earliest. The Auditor General cannot as a rule give the more important figures of the Finance and Revenue Accounts before January. An attempt is made to get out approximate figures through the Controller of the Currency and a statement containing such figures is published in the *Gazette of India*.

October. I am afraid the Honourable Member like myself will have to wait, at any rate, until then even for approximate figures.

Mr. K. Rama Aiyangar : May I take it that in January, at least two months before the Budget comes up, we will be able to have the exact figures of the past year ?

The Honourable Sir Basil Blackett : I am unable to give an exact undertaking as to when the exact figures will be available, but I hope very much they will be available by January.

Mr. K. Rama Aiyangar : May I take it, Sir, that the Government will be able to lay them on the table and send copies to the Members about January ?

The Honourable Sir Basil Blackett : The Finance and Revenue accounts will be published as soon as they are available.

Mr. K. Rama Aiyangar : May I know if it will be possible to have them circulated or sent to the Members at least a month or two before the date of the Budget ?

The Honourable Sir Basil Blackett : I shall do my best, Sir, to get the Finance and Revenue accounts for my own use at the earliest possible moment, and as soon as they are available for my own use they will be available for Members of the House.

ELECTRIFICATION OF THE GREAT INDIAN PENINSULA RAILWAY.

107. ***Mr. K. Rama Aiyangar :** Have Government decided to put up an electric plant for the electrification of the Great Indian Peninsula Railway at Kalyan ? If so, do the Government propose to place the matter before the Standing Finance Committee for Railways before deciding to start the scheme ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the affirmative. Government do not propose to place the matter before the Standing Finance Committee for Railways a third time.

Mr. K. Rama Aiyangar : May I know if the Government will be pleased to place before the Railway Finance Committee the inquiry that was promised at a previous meeting of the Standing Finance Committee before the Budget, before final action is taken in the matter ?

Mr. A. A. L. Parsons : I will consider the matter, Sir.

Mr. B. Das : May I inquire, Sir, if orders for the electric plant have been placed in England ?

Mr. A. A. L. Parsons : I do not think any orders have been placed at present : I am not quite sure.

Mr. B. Das : Has not the Honourable Member seen the announcement in the Press that orders have been placed by Government in England ? I want to verify the statement whether orders have been placed by Government.

Mr. A. A. L. Parsons : No orders have been placed by Government.

Mr. K. C. Neogy : May I take it that the Honourable Member admits that his predecessor in office gave an undertaking to the Railway

Finance Committee at a meeting last cold weather, that no further action would be taken in the matter before certain inquiries had been made with regard to certain particulars discussed at that meeting ?

Mr. A. A. L. Parsons : No, Sir, you may not so take it.

Mr. K. C. Neogy : Will the Honourable Member kindly ascertain whether the statement made by me is correct ?

NOMINATION OF THE MEMBERS OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS TO LOCAL ADVISORY BOARDS CONSTITUTED BY THE VARIOUS RAILWAYS.

108. ***Mr. K. Rama Aiyangar :** Have Government instructed the Agents of the several Railways to nominate the members of the Standing Finance Committee for Railways in their jurisdiction to a place on their Advisory Boards, as mentioned on the 22nd February last ? Have arrangements been made to have the reports of the meetings of the Advisory Boards placed before the members of the Standing Finance Committee for Railways ?

Mr. A. A. L. Parsons : The matter had been discussed with the Agents of the different Railways, and after consideration of their replies, the Government of India have decided to take no further action on the suggestion that members of the Standing Finance Committee for Railways should be *ex-officio* members of the Local Advisory Committees of the Railways with which they are concerned. Apart from practical difficulties, there appear to the Government of India to be inherent objections to linking up Advisory Committees on Railways, whose function is to advise the Agent of the Railway, with the Standing Finance Committee for Railways, which is a Committee of the Assembly entrusted with the financial scrutiny of railway expenditure proposals. Copies of the reports of meetings of Advisory Committees are placed in the Library and are thus available already to members of the Standing Finance Committee.

Mr. K. Rama Aiyangar : Will the Government then be pleased to send copies of the reports of meetings to the members of the Railway Finance Committee ?

Mr. A. A. L. Parsons : I will consider the suggestion.

RETENTION OF THE EXISTING STATION AT RAMESWARAM ON THE SOUTH INDIAN RAILWAY.

109. ***Mr. K. Rama Aiyangar :** (a) Has the attention of the Government been drawn to the complaint of the Rameswaram public and the Ramnad District Board, that the present Rameswaram station should be retained as such, whatever may be the realignment that might be made to avoid the sand dunes ?

(b) Has the attention of the Railway Board and the South Indian Railway been drawn to the fact that the sea is fast advancing on the south of the new alignment of the railway line to Danushkodi, and that a sufficient protective embankment will have to be immediately put up to avoid risks ?

(c) Do Government propose to issue orders for the retention of the Rameswaram station, and for the protection of the railway line, irrespective of the recurring cost that the retention of the present station might involve ?

The Honourable Sir Charles Innes : (a) and (b) Government are aware that the realignment of this railway which, owing to the encroachment of sand dunes on the present alignment, is unavoidable, will cause some inconvenience to the people of Rameswaram and to the pilgrims visiting the temple there. They have received no information from the South Indian Railway administration suggesting that erosion is taking place on the south of the new alignment and that consequently a protective embankment is necessary.

(c) With the new alignment which, as, I have said, is for physical reasons unavoidable, the existing station at Rameswaram cannot be used ; but we are making enquiries from the South Indian Railway to see what action can be taken to reduce the inconvenience to the public which the additional distance of the new alignment from Rameswaram temple must undoubtedly cause.

Mr. K. Rama Aiyangar : Will the Government be pleased to see that there is a connection between the old station and the new station through which the trains might run just to enable the passengers to alight at the present place rather than to think of the other which will cost considerably more to construct ?

The Honourable Sir Charles Innes : We are asking the Railway to see whether any steps can be taken to connect a road to the temple from the new station or whether the South Indian Railway have any scheme under consideration to assist pilgrims to get from the new station to the temple such as extension to the neighbourhood of the old station.

Mr. K. Rama Aiyangar : I just want to know if the new road cannot be connected conveniently with the Rameswaram temple, whether as an alternative the Government would be pleased to consider the retention of the old station and allow trains to run to it to enable passengers to alight there.

The Honourable Sir Charles Innes : I am afraid that with the new alignment it is quite impossible for us to retain the existing station but, as I have already told the Honourable Member, we are consulting the South Indian Railway to see what steps can be taken to reduce the inconvenience to the pilgrims which must be caused, I am afraid, by this new alignment.

Mr. K. Rama Aiyangar : Will the Government be pleased to inquire from the South Indian Railway whether really there is any extraordinary difficulty in retaining the station and running trains in there, especially as I find that the new alignment will not be far away from the original line ?

The Honourable Sir Charles Innes : I cannot add anything to what I have already told the Honourable Member. We have decided that we must have this new alignment owing to the encroachment of sand dunes, and with this new alignment we cannot have the existing station. But we will do what we can to reduce the inconvenience to pilgrims. The Honourable Member must, I am afraid, rest content with that assurance.

Mr. K. Rama Aiyangar : Will the Government only be pleased to keep both ideas open ? That is the only question that I am asking.

REORGANISATION OF THE POST AND TELEGRAPH DEPARTMENT.

110. *Mr. K. Rama Aiyangar : What further effect has been given to the recommendations of the Ryan Committee on the Post and Telegraph Department reorganisation, in addition to those referred to in the tabular statement laid on the table last Session ?

The Honourable Sir Bhupendra Nath Mitra : The statement which I lay on the table supplements the information given in the tabular statement referred to by the Honourable Member. Definite decisions have not been reached on the remaining items and I would invite attention to the reply given by me to his question on the 28th January 1926 in which I explained the reason for the delay in arriving at such decisions.

Item No.	Para. of Report.	Brief summary of recommendation.	Action taken.
16	169	(a) Demurrage charges should be levied on V. P. parcels retained at post offices for more than 48 hours.	The Government of India have decided not to make any change in the existing rules.
		(c) The charge of Re. 1 per mensm for post box facilities should be enhanced. Fees should also be levied for special sorting of foreign mail for particular addressees and for window delivery.	The fee for post boxes has been raised from Rs. 12 to Rs. 15 per annum with effect from the 1st April 1926. The fee for a quarter or a portion thereof has been fixed at Rs. 5. From the same date a special fee of Rs. 24 per annum has been fixed for making up in bags the foreign mails of certain post box holders.
		(d) The minimum limits at present imposed on (1) the amounts of single deposits, (2) the total deposit during any one year and (3) the total amount that any depositor may have at call at any time in the Post Office Savings Bank, should be raised. In particular (1) should be raised from four annas to one rupee.	As already stated the Government of India are opposed to the raising of the limits suggested by the Committee. They have also decided that it is not necessary to raise the limit of Rs. 1,000 which may be held at call in a minor's account.

Mr. K. Rama Aiyangar : Will the Government be pleased to see that before the end of this year, decisions are come to on all the points, so that before the next Budget the matter will be completely taken up ?

The Honourable Sir Bhupendra Nath Mitra : I am sorry I cannot give any assurance of that sort to the Honourable Member.

Mr. B. Das : May I just know if Government have taken into consideration the very able note of dissent that our present Director of Posts and Telegraphs attached to the Ryan Committee's Report, and which has the appreciation of this part of the House, and whether that has been taken into consideration and any action taken on that note of dissent ?

The Honourable Sir Bhupendra Nath Mitra : The note of dissent has been taken into consideration as well as various other matters connected with the particular subject. That is one of the reasons for the delay in coming to decisions.

Mr. B. Das : I should like to know whether the Government are going to end the vested interests on the Telegraph side which were mentioned in that Report.

The Honourable Sir Bhupendra Nath Mitra : I am not aware what vested interests the Honourable Member is referring to. There are various kinds of vested interests.

MANUFACTURE OF AUTOMATIC COUPLERS IN INDIA.

111. ***Dr. K. G. Lohokare :** Are Government taking any steps to manufacture automatic couplers in one of the railway workshops in India ; and if not, what are the difficulties ?

Mr. A. A. L. Parsons : The whole question of fitting the automatic centre buffer couplers to the rolling stock in India is still under investigation, and the Railway Board are not yet in a position to make any pronouncement on the subject.

PROCEDURE IN JAPAN OF SETTING APART AS RAILWAY DEBT OF ALL MONEYS INVESTED IN RAILWAYS.

112. ***Dr. K. G. Lohokare :** (a) Has the attention of Government been drawn to paragraph 86 of the Acworth Committee's Report in which it is stated that in Japan, according to the accounting system as modified in 1906, all the money already invested in the Railways (together with interest thereon at 5 per cent.) from the inception of the railway service to March 1907, less the sum surrendered to the Treasury during the period, was set apart as railway debt ?

(b) If so, do Government propose to follow this precedent and bring to capital account what, during the last debate on the Railway Budget, Mr. Jamnadas Mehta described as " hidden capital " ?

(c) If not, why not ?

The Honourable Sir Charles Innes : (a) Yes.

(b) and (c). I would refer, on the subject of what is referred to as " hidden capital ", to Mr. Sim's speech on the 23rd February 1926.

MINIMA RATES AND FARES ON THE RAILWAYS.

113. ***Dr. K. G. Lohokare :** (a) Is it a fact that the basis on which the minima rates and fares on the Railways for the different classes are fixed is the estimated average cost of the service rendered ?

(b) If so, do Government propose to show in their annual statistical statements, the estimated average cost of carrying one mile a passenger of each of the four different classes, viz., first, second, intermediate, and third ? If not, why not ?

Mr. A. A. L. Parsons : (a) The minima rates and fares were fixed many years ago, and were determined generally on a basis which assumed

that if lower rates were charged the traffic would be worked at a loss. But expert opinion now tends to show that it is impossible to base railway rates on cost of carriage, if only for the reason that no one knows, or can know, what the cost of carriage is. The Honourable Member's attention is directed on this subject to Sir William Acworth's book "The Elements of Railway Economics".

(b) An attempt was once made to estimate the average cost of carrying a passenger one mile, taking all classes of passengers together, but it was decided that the estimates were so unreliable as to be quite useless, and they were discarded. It is not proposed to resuscitate them.

SAVINGS IN MILITARY EXPENDITURE TO BE SECURED BY THE CONSTRUCTION OF THE HINDUBAGH-FORT SANDEMAN RAILWAY.

114. ***Dr. K. G. Lohokare :** Will Government kindly state the amount of the saving, if any, in military expenditure which will be secured by the construction of the Hindubagh-Fort Sandeman Railway?

Mr. E. Burdon : It is proposed to construct the Hindubagh-Fort Sandeman Railway only as far as Killa-Saifulla for the present and it is anticipated that a saving of approximately Rs. 1,35,000 per annum will be effected in the military budget by the construction of this first section of the Railway. The savings that will accrue as a result of the construction of the whole line up to Fort Sandeman have not yet been computed.

INCLUSION IN THE GOVERNMENT OF INDIA DIRECTORY OF THE NAMES OF GAZETTED SUPERINTENDENTS OF THE IMPERIAL SECRETARIAT.

115. ***Dr. K. G. Lohokare :** (a) Have Government considered the desirability of including in the future issues of the Government of India Directory, the names of gazetted officers of the rank of Superintendent employed in the Imperial Secretariat?

(b) If not, why not?

The Honourable Sir Alexander Muddiman : (a) Yes.

(b) Does not arise.

TRANSFER OF RS. 3 CRORES ON ACCOUNT OF ROLLING STOCK FROM THE CAPITAL AT CHARGE OF COMMERCIAL LINES TO THE CAPITAL AT CHARGE OF STRATEGIC LINES.

116. ***Dr. K. G. Lohokare :** With reference to the transfer of Rs. 3 crores on account of rolling stock from the capital at charge of commercial railway lines to the capital at charge of strategic lines, will Government kindly state the basis on which the estimate of Rs. 3 crores was made?

Mr. A. A. L. Parsons : The total expenditure to the end of December 1924 on locomotives and carriages and wagons on the North Western Railway commercial and strategic lines taken together was divided between these two lines on the basis of engine mileage for locomotives and vehicle mileage for carriage and wagons.

CLASSIFICATION OF THE ADEN RAILWAY AS A STRATEGIC LINE.

117. *Dr. K. G. Lohokare : (a) Will Government kindly state :

(a) why the Aden railway was originally classed as a non-strategic line and why it is now classed as a strategic line ?

(b) what other reclassification, if any, has been made since 1921-22 between commercial and strategic lines ?

Mr. A. A. L. Parsons : (a) A short section of the existing Aden Railway, seven miles in length, was constructed in 1916 and classed as a commercial line ; the remaining length of 22 miles was constructed in 1919 and 1920 on strategic grounds. The question of the proper classification of the whole line was taken up when the separation of railway finances was decided upon and in view of the fact that this line is maintained mainly for strategic purposes it was classed as a strategic line.

(b) The following commercial lines have been reclassified as strategic lines since 1921-22, namely,

- (1) Laki-Pezu-Tank Railway,
- (2) Tank-Kour-Khirgi Railway.

CHARGING OF LOSSES IN WORKING STRATEGIC RAILWAYS TO THE ARMY BUDGET.

118. *Dr. K. G. Lohokare : (a) Has the attention of Government been drawn to page 12 of the Railway Administration Report for 1921-22 in which it is contended that if the losses on strategic railways are made a military liability, the Army Department will justifiably expect a voice in the matter of working and that this presents a practical difficulty in the way of charging losses in working those railways to the Army Budget ?

(b) If so, will Government kindly state whether a similar practical difficulty exists in the case of those railway losses which, under the new arrangement with the Local Governments, have to be made good by the Local Government concerned, and if so, how is it proposed to meet such difficulty ?

Mr. A. A. L. Parsons : The practical difficulty referred to in para. 12 of the Administration Report on Indian Railways for 1921-22 was expected to arise if the Army Department was made liable both for the capital outlay on strategic lines as well as the loss in working such lines. Under the revised policy for the construction of unremunerative lines Local Governments which desire the construction of such lines are required to guarantee only the loss in working and no provision is made in the Resolution of the Railway Department No. 2131-F. of the 19th February 1925, which explains fully the arrangements with regard to the financing of branch lines, for Local Governments having a voice in their working. Local Governments were consulted before the new policy was determined upon.

The Honourable Member will thus see that the difficulty apprehended by him does not arise.

Dr. K. G. Lohokare : Why is there this differential treatment ?

Mr. A. A. L. Parsons : I am afraid I do not understand the Honourable Member.

Dr. K. G. Lohokare : May I know why there is this differential treatment between the strategic lines and the lines of Local Governments ?

Mr. A. A. L. Parsons : I am afraid I cannot add to my answer to the Honourable Member.

STATUS OF THE SECRETARY OF THE RAILWAY BOARD.

119. ***Dr. K. G. Lohokare :** Is it a fact that the Secretary of the Railway Board holds the status of Deputy Secretary to the Government of India ?

Mr. A. A. L. Parsons : Yes.

REDUCTION OF THE HOURS OF DUTY OF GUARDS OF GOODS TRAINS ON THE NORTH WESTERN RAILWAY.

120. ***Mr. N. M. Joshi :** Is it a fact that guards on goods trains on the North Western Railway (Rawalpindi Division) have to remain on duty from 12 to 20 hours at a stretch ? If so, do the Government of India propose to investigate into this matter with a view to reducing the hours to a reasonable limit ?

The Honourable Sir Charles Innes : I understand that cases have occurred in which a guard in charge of a goods train has, owing to his train being delayed, been on duty up to 20 hours at a stretch. But this can only happen in most exceptional circumstances, and I can assure the Honourable Member that the North Western Railway Administration is fully alive to the desirability of keeping working hours within reasonable limits.

NUMBER OF GUARDS EMPLOYED ON PASSENGER TRAINS.

121. ***Mr. N. M. Joshi :** (a) Is it a fact that for passenger trains service there is only one guard in the place of three previously ?

(b) Will the Government of India be pleased to investigate this matter ?

Mr. A. A. L. Parsons : (a) and (b). Enquiries made into the matter show that many passenger trains have only one guard. Where circumstances warrant it a second guard or brakesman accompanies the train, and in some cases trains are accompanied by a police guard but the invariable employment of second guards has been discontinued, experience having shown that the expense was not justified by any equivalent advantage.

PROVISION OF AN ARMED GUARD FOR PASSENGER TRAINS CONVEYING GOVERNMENT TREASURE.

122. ***Mr. N. M. Joshi :** (a) Is it a fact that formerly passenger trains conveying Government cash were escorted by an armed guard ?

(b) Is it a fact that this practice has now been stopped ?

(c) Will the Government of India be pleased to state the reasons for this change ?

The Hon'ble Sir Basil Blackett : Police escorts accompany all remittances of treasure sent by rail except remittances of nickel, copper and bronze coin. The latter are sent at railway risk, and a police guard is not considered necessary as the cost is disproportionately high compared with the risk of loss.

EARNINGS OF PORTERS ON THE HOWRAH STATION.

123. ***Mr. N. M. Joshi :** (a) Is it a fact that Mr. Love, the Howrah Porters Contractor, has been replaced by Mr. Murgatroyd, a retired 60 years old station master ?

(b) Is it a fact that this new contractor is also charging Rs. 7 per month from each porter ?

(c) Is it a fact that the Honourable Sir Charles Innes has stated in one of his speeches in the Assembly in February 1926 that " the porters themselves earn very large sums " ?

(d) Is it a fact that the porters have stated in their petition to the Agent that their average earnings do not exceed 9 annas a day or about Rs. 17 a month ?

(e) Do the Government of India propose to investigate the facts about the earnings of the porters on the Howrah station ?

(f) Do the Government of India propose to place this matter before the Railway Central Advisory Committee or before the Railway Finance Committee ?

The Honourable Sir Charles Innes : (a), (b), (c) and (d). The reply is in the affirmative.

(e) The whole question of the payment of these porters has received the personal attention of the Agent, and is now under enquiry by an Indian officer of the Railway.

(f) The question is a local one. It has already been discussed by the East Indian Railway Local Advisory Committee and will be discussed again by that body before anything definite is finally settled.

APPOINTMENT OF MUSLIMS AS SUPERINTENDENTS OF POST OFFICES IN SIND.

124. ***Khan Bahadur W. M. Hussanally :** 1. Will Government be pleased to state :

(a) the total number of Postal Superintendents and Probationary Superintendents attached to Sind in the Baluchistan Circle ?

(b) how many of them are Muslims ?

(c) the number of Superintendents working in Sind and the number of them holding administrative charges of the Sind Divisions ?

2. Are Government prepared to take early steps to post at least two Muslim Superintendents in Sind to safeguard Muslim interests, and to post one of them to hold charge of one of the two Sind Divisions ?

3. Is it a fact that no Sindhi Hindu or Muslim has ever been recruited direct as a Probationary Superintendent of Post Offices, although natives of other Provinces have been and are being so appointed ?

4. Are Government prepared to appoint a Sindhi Musalman as Probationary Superintendent as early as possible ?

Sir Ganendra Roy : 1. (a) Five Superintendents and one Probationary Superintendent. The Circle is called the " Sind and Baluchistan Circle ".

(b) One.

(c) Three Superintendents, one working in Sind, two in charge of Upper Sind and Lower Sind Divisions and one as Personal Assistant to the Deputy Postmaster General.

2. The suggestion of the Honourable Member will be taken into consideration when a suitable opportunity occurs.

3. Yes.

4. I have made a note of the suggestion.

INCREASE OF THE MUSLIM ELEMENT IN THE POST OFFICES IN SIND.

125. ***Khan Bahadur W. M. Hussanally :** 1. What is the total number of the postal clerical staff working in Sind, and how many of its members are Muslims ?

2. Does the Home Department circular regarding adequate representation of various communities in the public service apply to the Post and Telegraph Department ?

3. If so, what steps have Government taken or do they propose to take to bring the Muslim element in the Post Offices in Sind to at least 50 per cent., in view of the proportion of the Muslim population of Sind ?

Sir Ganendra Roy : 1. 423 of which 88 are Muslims.

2. Yes.

3. Orders have been issued by the Deputy Postmaster General which will give effect to the policy laid down in the circular referred to in part 2 above.

PROCEDURE IN INDIA AS REGARDS BEARER DRAFTS, CHEQUES AND HUNDIES.

126. ***Mr. J. Sheepshanks :** Will Government be pleased to state what their objections are to bringing the Negotiable Instruments Act, as regards bearer drafts, cheques and hundies, into line with that of other countries with developed banking systems ?

The Honourable Sir Basil Blackett : I am not quite sure what are the particular countries, and the particular discrepancies between their procedure and that in force in India, which the Honourable Member has in mind. The subject is at present under the consideration of Government and no final conclusions have yet been reached.

Mr. J. Sheepshanks : May I ask what are the practical or technical objections ?

Mr. President : The Honourable Member cannot repeat, by way of a supplementary question, parts of the question that have been disallowed by the President.

CONSTITUTION OF THE CALCUTTA HIGH COURT.

127. *Mr. S. C. Ghose : (a) Are the Government aware that as stated in the issue of the *Statesman*, dated the 27th July 1926, under the heading "Calcutta High Court", written by the Legal Correspondent of the *Statesman*, the Calcutta High Court is at present not properly constituted in terms of the Government of India Act, which provides that not less than one-third of the number of the Judges, must be barristers of not less than five years' standing ?

(b) Is it a fact that some Judges of the Calcutta High Court are being appointed and are acting after the expiry of their age limit, that is, after the sixty years age rule of retirement and some are expected to act in contravention of the Statute and the sixty years age rule for compulsory retirement ?

(c) Are the Government aware that in the issue of the *Bengalee*, dated the 22nd November 1925, it was stated with reference to a certain Judge that "His Lordship has, of course, only a few months more to complete sixty" ?

(d) Do Government propose to take immediate steps in order to set right the anomaly, if any, in question ? If not why not ?

The Honourable Sir Alexander Muddiman : (a) The Government have seen the article referred to, but do not agree with the opinion that the constitution of the Calcutta High Court is not in accordance with the terms of the Government of India Act.

(b) Two of the Judges at present acting are more than 60 years of age, but the rule is not applicable to temporary or officiating Judges. None of the permanent Judges have exceeded the normal age limit except the Chief Justice in whose case it was specially provided on his appointment that he need not retire at the age of 60.

(c) The Government do not accept the correctness of the conclusions drawn in the article referred to.

(d) This part of the question does not arise.

EXPENDITURE ON PRIMARY EDUCATION IN AREAS UNDER THE DIRECT CONTROL OF THE GOVERNMENT OF INDIA.

128. *Mr. N. M. Joshi : Is it a fact that the Government of India spend in territories directly under their control less money on primary education than on higher and secondary education taken together ? Will the Government of India be pleased to state whether it is their policy to spend less money on the education of the masses than on the education of the classes ?

Mr. J. W. Bhore : The budget estimates for 1926-27 show that the Government of India have earmarked nearly Rs. 10 lakhs for primary education as against Rs. 17 lakhs for higher education (both University and secondary). The figures for higher education are swelled by the inclusion of grants to the Delhi University and to special colleges. On the other hand they include the expenditure on over one hundred middle vernacular schools which in the Bombay Presidency are classed as primary institutions and also that on primary departments of secondary schools.

as such expenditure cannot be shown separately. In the North-West Frontier Province, for example, more than half the boys attending secondary schools are in primary classes. The figures just given, therefore, cannot be said to represent the exact position in regard to the various forms of education and are at the best only approximate. But it is clear from these remarks that the figures for primary education are an under-estimate while those for higher education are an over-estimate. Considering the fact that most of the areas under the direct control of the Government of India contain a large proportion of urban centres, where provision for institutions of a higher type must naturally be more generous, it would seem that the position in regard to primary education, as compared with secondary education especially in the areas which are not primarily urban, is not unsatisfactory. I am glad to be able to assure the Honourable Member that the progress and expansion of primary education in the areas under the control of the Government of India are engaging their special attention. It may be mentioned here that in Delhi steps have already been taken to introduce compulsory primary education and the Government of India are watching the experiment with interest.

Mr. K. C. Roy : Will the Education Secretary give us some idea of the financial position of the Delhi University ? Is the University solvent ?

Mr. J. W. Bhore : I must ask for notice of that question.

Mr. N. M. Joshi : Am I to understand from the reply that the Government are spending more on secondary and higher education than on primary education ? I want a definite reply to that question.

Mr. J. W. Bhore : I have given the Honourable Member a very definite reply to that question and I have explained why it is impossible for me to say specifically and exactly the expenditure on primary and on secondary education. If he will read the reply when it is in print he will understand the reason why my reply cannot be more definite.

Mr. N. M. Joshi : Do I understand that the Government are actually spending more on secondary and higher education than on primary education ?

Mr. J. W. Bhore : I must refer the Honourable Member to the reply just given.

Mr. N. M. Joshi : Is it then the policy of the Government of India to spend more money on these higher classes than on the education of the poorer classes ?

Mr. J. W. Bhore : The Honourable Member must understand nothing of the sort.

Mr. N. M. Joshi : If you take the facts into consideration that appears to be the Government policy.

Mr. J. W. Bhore : The Honourable Member must draw no such conclusion for the reasons I have given.

Mr. N. M. Joshi : I would like to know from the Government of India very clearly the facts of this case. My question is clear enough, namely, that from the figures it is quite clear that the Government of India are spending 17 lakhs on secondary and high education and only 10 lakhs on the education of the masses. I therefore want the Government to state whether it is their policy to spend more money on higher and secondary education than on primary education.

Mr. J. W. Bhore : I have pointed out to the Honourable Member that the 17 lakhs covers provision for primary education as well and that it is impossible for me to separate this from the total figure given without very elaborate calculations.

PUBLICATION OF THE REPORT OF THE PADDISON COMMITTEE.

129. ***Maulvi Muhammad Yakub :** When will the report of the Paddison Committee be published ?

Mr. J. W. Bhore : I am not yet in a position to say when the Report will be published.

Maulvi Muhammad Yaquab : Will it ever be published, Sir ?

Mr. J. W. Bhore : I sincerely hope so, Sir.

SELECTION OF THE INDIAN MEMBERS OF THE ROUND TABLE CONFERENCE TO BE HELD IN SOUTH AFRICA.

130. ***Maulvi Muhammad Yakub :** (a) On what principle will the Members of the Round Table Conference to be held in South Africa be nominated ?

(b) Will the Legislative Assembly have any voice in the selection of Members for the Conference ?

(c) Will the Members of the Legislative Assembly be ignored in nominating the Members of the Round Table Conference as they were ignored in the case of the Paddison Committee ?

Mr. J. W. Bhore : (a) The Indian representatives to the Conference will be selected with regard to their fitness for the work.

(b) No, Sir ; but every endeavour will be made to select representatives who are likely to command the confidence of this House and the country.

(c) The Honourable Member is not quite correct when he suggests that in selecting the members of the Paddison Deputation, Government ignored Members of this Honourable House. As a matter of fact a seat on that deputation was offered to a Member of this House, but for private reasons he was unable to accept the offer.

Maulvi Muhammad Yaquab : Do the Government recognize this House as the most representative body of the people of India ?

Mr. J. W. Bhore : That, Sir, is a matter of opinion.

Maulvi Muhammad Yaquab : What is the opinion of the Government in this matter ?

Mr. J. W. Bhore : I am afraid the Honourable gentleman will not draw me on that point. I am not authorised to speak for Government.

APPOINTMENT OF A QUALIFIED MUSALMAN OFFICER IN THE SUPERIOR GRADE POSTS OF THE WIRELESS BRANCH.

131. ***Maulvi Muhammad Yakub :** (a) Will the Government be pleased to give the number of the officers in the superior grade posts in the Wireless Branch of the service ?

(b) Is it a fact that there is not a single Musalman officer in the superior grade posts of the Wireless Branch ?

(c) Do the Government propose to appoint a qualified Musalman, if available, to fill up the vacancy in the Wireless Branch advertised in the *Pioneer* of the 27th June 1926 ?

The Honourable Sir Bhupendra Nath Mitra : (a) Six officers at present and one vacant appointment to be filled.

(b) Yes.

(c) The vacant appointment is that of a Research Officer and requires very special qualifications. It is intended to appoint an Indian and in the interests of efficiency it is essential that the most competent candidate should be selected.

Maulvi Muhammad Yakub : Will the Government give preference to a Muslim candidate if he possesses the qualifications required for the work ?

The Honourable Sir Bhupendra Nath Mitra : Undoubtedly, if he is equally efficient with the others.

PROVISION OF SCIENTIFIC DETECTIVE TRAINING FOR POLICE OFFICERS IN INDIA.

132. ***Maulvi Muhammad Yakub :** (a) Are Government aware that a large number of burglary and dacoity cases remain undetected in India ?

(b) Are Government aware that there is no system of scientific detective training for the Police in India ?

(c) Do the Government propose to give scientific detective training to the Police officers of India either by sending them to Europe or by starting training schools on European lines in India ?

The Honourable Sir Alexander Muddiman : (a) This is inevitably the case in a country so vast and so populous as India, but the efforts of the police to deal with crime of this character have met with a very creditable measure of success, and many striking instances of able investigation and courageous action are on record.

(b) No. The contrary is the case. I cannot go into details, as this is a provincial subject ; but if the Honourable Member will examine the Provincial Administration Reports he will see that training colleges and schools are maintained in which training in scientific methods is imparted to cadets and others. The Government of India have only recently addressed Local Governments on the subject of improving the training of constables.

(c) Courses of instruction in the most modern methods of investigation are held every year at Scotland Yard and the Government of India arrange for the attendance of officers of the Indian Police who are on leave. A number of officers take advantage of this opportunity every year.

ISSUE BY GUARDS OF CERTIFICATES TO PASSENGERS TRAVELLING WITHOUT TICKETS.

133. ***Khan Bahadur Haji Wajihuddin** : (a) Is it a fact that the East Indian Railway have very recently cancelled the privilege of issuing certificates and allowing the guard to entrain without tickets such railway passengers who happen to be late and consequently unable to make purchase of their tickets simply for want of time ?

(b) If the answer be in affirmative, do the Government propose, in view of the inconvenience now being suffered by such passengers, to issue immediate instructions to have the old procedure reintroduced ?

Mr. A. A. L. Parsons : (a) Yes.

(b) No. In view of the large loss which Railways are known to incur by passengers entering trains without tickets, Government fully approve the action of the East Indian Railway Administration in withdrawing a privilege obviously liable to abuse.

PROHIBITION OF LIQUORS IN INDIA.

134. ***Khan Bahadur Haji Wajihuddin** : Will the Government be pleased to state whether they have taken any steps on the Resolution passed in this Assembly in favour of the prohibition of liquors in India, and if not, why ?

The Honourable Sir Basil Blackett : For the reasons given by me in my speech on 2nd September 1925, Government decided not to take any action on the Resolution in question.

REMOVAL OF THE QUARANTINE RESTRICTIONS ON INDIAN PILGRIMS TO THE HEDJAZ.

135. ***Khan Bahadur Haji Wajihuddin** : Are the Government aware that many Indian Hedjaz pilgrims met with great hardships at the hands of the quarantine staff at Kamaran, and if so, are Government prepared to take steps for removing the quarantine restrictions altogether with the exception of cases of epidemic diseases which may unfortunately occur on any pilgrim ship after leaving the Indian shores ?

Mr. J. W. Bhore : The Government of India have received two complaints regarding the treatment of pilgrims at Kamaran and these are under investigation. As regards the second part of the question the Honourable Member is referred to the answer given on the 10th March 1926 to his starred question No. 1174. The Paris International Sanitary Convention is under revision and it is hoped that the medical officers at Kamaran will in future have discretion to exempt from quarantine measures ships found on medical inspection to be healthy, provided that pilgrims on board have been immunised against cholera and small-pox.

APPOINTMENT OF THE ROYAL COMMISSION ON REFORMS.

136. ***Khan Bahadur Haji Wajihuddin** : With reference to the discussion on 20th July 1926 in the House of Commons on Indian affairs, will the Government be pleased to state : (a) when the Royal Commission is

expected to be established, (b) what would be the strength of the Commission, (c) how long will the Commission be in office, (d) what amount as pay and allowance will be given to each member ?

The Honourable Sir Alexander Muddiman : No conclusion has yet been reached as to the date when the Commission will be constituted. The Secretary of State in his speech in the House of Lords at the end of last month indicated certain factors which might affect that date. The details referred to in parts (b), (c) and (d) of the question have therefore necessarily not come under consideration.

REPLACEMENT OF EUROPEAN AND ANGLO-INDIAN NURSES BY INDIANS IN THE RAILWAY HOSPITAL AT SUKKUR.

137. ***Khan Bahadur W. M. Hussanally :** (a) Is it a fact that the Medical Officer, North-Western Railway, Sukkur Medical Section, advertised recently for the post of a European nurse for the Railway Hospital, Sukkur ?

(b) Is it a fact that in the same hospital there are two Anglo-Indian nurses and one Indian nurse already working ?

(c) What is the population in Sukkur ?

(d) Where is the necessity of keeping one European and two Anglo-Indian nurses ? Why are not all Indian nurses appointed in the Sukkur Hospital with a view to effect Indianization ?

(e) Why have the European and Anglo-Indian nurses not yet been replaced by the Indian nurses who are equally well qualified, well trained, and well conducted ?

(f) Do Government propose to issue early orders for replacing the European and Anglo-Indian nurses by Indian nurses at the Sukkur Hospital or at least distributing the appointments proportionately on the basis of the European and Indian population ?

The Honourable Sir Charles Innes : (a) and (b). Yes.

(c) I understand that the railway population is about 3,500.

(d), (e) and (f). The Honourable Member is under some misapprehension. In the first place, the hospital at Sukkur is a joint civil and railway hospital, a certain number of beds being reserved for the railway. The Railway pays for one European nurse and a part-time Indian nurse. Therefore, those parts of the Honourable Member's question which relate to the Anglo-Indian nurses should be addressed to the Bombay Government in the Bombay Legislative Council. In any case, I wish to make it perfectly clear that for purposes of Indianisation, Anglo-Indians count as Indians, and there can be no question in the Railways of discharging Anglo-Indians merely to make room for Indians. As regards the European nurse, the organisation of the hospital dates back to 1908, when one post was reserved for a European nurse. When a vacancy occurred in this appointment recently, the Civil Surgeon in the ordinary course advertised for a European nurse. His action has been approved by the Administrative Medical Officer, who is not under railway control, on the ground that experience in a British hospital is desirable even in an Indian hospital.

Mr. President : I have to announce that, in view of the shortness of the Session, I do not propose to make any change either in the Panel of Chairmen or in the constitution of the Public Petitions Committee. Both, therefore, will remain the same for this Session.

12 NOON.

STATEMENT OF BUSINESS.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, with your permission, I desire to make a statement about the probable course of business during the week beginning with Monday, August 23rd. It had been intended that on Monday motions should be made for considering and passing the Bills introduced in this House this week. It has, however, been represented to me that a holiday of rather more importance than it was understood to be at the time when the Government programme was being prepared takes place on Monday, and I understand that many of the Hindu Members of the House are required on that day to perform certain religious ceremonies. As the result of an enquiry I have made, I am informed that Members will probably be willing to agree to a half-day sitting on Monday, that is to say, with your permission, we can begin at 2 o'clock. I would be very glad to know whether that meets the views of the Hindu Members.

(The President assented to this arrangement.)

Having regard to the congested condition of Government business, if Members agree, we shall begin on Monday afternoon the following legislative programme, the order of which will be settled later. I have my Honourable Friend, the Finance Member's permission to state that we will first taken up his Bill to amend the Indian Coinage Act and the Indian Paper Currency Act. Motions for other Bills will come later, namely :—

The Bill to amend the Workmen's Compensation Act.

The Bill to amend the Usurious Loans Act.

The Bill to amend the Code of Civil Procedure for a certain purpose.

The Bill to amend the Negotiable Instruments Act and the Code of Civil Procedure for certain purposes.

The Bill to amend the Provincial Insolvency Act, for certain purposes.

The Bill to amend the Indian Succession Act for a certain purpose.

Most of these Bills have already been introduced.

With regard to two of them, Mr. Rangachariar asked me for papers and I promised I would give them to him. I have laid on the table ten sets of papers, and much regret that I have no more papers available at the moment. Honourable Members will find ten sets of papers on the table, and I have also sent my Honourable friend a spare set.

Further business on Monday will be :—

A motion to circulate for opinion the Bill to amend the Indian Factories Act, 1911.

Tuesday, the 24th, has been allotted for discussion of non-official business. On Wednesday, the 25th, the Government legislative programme already outlined will be resumed, and to it will be added a motion to take into consideration the Bar Councils Bill, as reported by a Select Committee, and presented yesterday. And probably if I am granted leave, as I trust I shall be, to introduce to-morrow a small Bill further to amend the Code of Criminal Procedure, that Bill will also be put forward for consideration on Wednesday. The completion of this programme will take Thursday, the 26th, and Friday, the 27th. At present it is not proposed that the Assembly should sit on Saturday, the 28th; though it is likely that if we have not disposed of our legislative programme on Friday, I shall have, Sir, to ask your permission to sit on Saturday, much as I dislike Saturday sittings. A sitting of the Council of State has been arranged for Saturday, the 28th, and it is hoped to send all the Bills in time to be laid at that sitting.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Sir, in connection with the statement of the Leader of the House with regard to the business of the House, may I draw his attention to one important matter and that is with reference to the Currency and Exchange Bill which is proposed to be taken up on the 23rd. Perhaps the Honourable the Leader of the House is not aware that this House has not been dealt with very fairly. Not a single Member, as far as I understand, is in possession of the papers which are called the Appendices. They were published only a few days ago. I understand that it has always been the custom and practice of this Legislature at least, that the individual Members should be supplied with all papers in connection with any particular Bill in time, and as a matter of fact, I think I am speaking correctly, at least I have not received all those very voluminous papers. We were told yesterday in answer to a question that Honourable Members would find those papers in the Library. Now, is that fair ? It is with the greatest difficulty that you can even obtain copies of the Report, and I do appeal to the Leader of the House to see that Members are supplied with complete sets of papers, so that they may have at least some little time to look at them.

The Honourable Sir Basil Blackett (Finance Member) : Perhaps I may be allowed to explain the position, as I have already explained to several Honourable Members. Only a limited number of copies of the evidence and Appendices have arrived from England. There are not enough copies to make distribution in the ordinary course. Every single copy that we could spare has been put into the Library of this House. No more have been received. The total number of copies in the Library is, I think, something over 20. I am not quite sure of the exact number, but I believe it is 20, 20 copies of each of the five volumes. The report itself was distributed some time ago, and I believe every Member has been in a position to receive a copy. I think it has been distributed to every Member. As regards the Appendices, every copy available is in the Library. There are no more.

Sri Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, with reference to the statement made by the Honourable the Home Member regarding the Bills which were introduced yesterday, may I beg to enquire what objection there is to circulating the papers

[Sir Hari Singh Gour.]

embodying the opinions of the various Local Governments to Honourable Members of this House ? It is extremely unfair to members of the legal profession to have to examine these papers when they are either laid here on the table or placed in the Library of the House, especially in view of the fact that they deal with certain points in which a reference to law books becomes necessary. I wish to ask the Honourable the Home Member whether he could not make it convenient to circulate the opinions, especially on the Bills introduced on the recommendations of the Civil Justice Committee's Report to Honourable Members of this House.

The Honourable Sir Alexander Muddiman : I sympathise with my Honourable friend, and I shall certainly do everything I can to meet his wishes. The difficulty in the present case is that the circulation was not directed by the House, and therefore the opinions were not made papers to the Bill, in which case they would have been sent to all Honourable Members.

As I have said, I have laid such papers as I have on the table, and, if it is possible, I will endeavour to circulate a complete set to all Members. I quite appreciate my Honourable friend's point, and we will do our best to meet it.

Sir Hari Singh Gour : I thank the Honourable the Home Member. May I also suggest that a précis be drawn up and the précis be circulated to all Honourable Members ?

The Honourable Sir Alexander Muddiman : That, Sir, is going a little further and may not be possible.

RESOLUTION *RE* REPORT OF THE TAXATION ENQUIRY COMMITTEE.

The Honourable Sir Basil Blackett (Finance Member) : The *Resolution which I have the honour of moving to-day is in a form which represents something of an innovation in our procedure. It contains no recommendation which commits either the Government or this House to an acceptance of the Report of the Taxation Enquiry Committee as a whole, or even an acceptance of any of its particular recommendations. The object which Government have in mind in bringing forward this Resolution is a simple one. They desire to implement their promise that, before taking action on any of the recommendations or proposals of the Committee, a full opportunity of discussion will be given to this House. It is in fulfilment of that promise that this Resolution is moved, and I hope Honourable Members will take full advantage of the debate, so that in considering taxation questions hereafter the various Governments in India, and in particular the Central Government, may have on record, besides the Report of the Committee, the considered views of the Members of this Assembly with their three years' experience of work in Delhi and Simla before they disperse to woo the suffrages of their constituents and make a bid for membership of the next Assembly, or, it may be in some cases, to retire and rest on their laurels. Even those who do not come back may perhaps find to-day's study of the vexing subject of taxation of value for the purpose of criticising us from their safe retreat. Those

“ This Assembly recommends to the Governor General in Council that he be pleased to take into consideration the Report of the Indian Taxation Enquiry Committee ”.

who come back will no doubt have many other opportunities of voicing views on detailed proposals in the Report especially at budget times when I look forward with assured confidence to being attacked vigorously both for acting on and for failing to act on the recommendations of the Committee.

The Government have no intention to-day of announcing decisions, provisional or otherwise, on the Report of the Taxation Enquiry Committee as a whole, or even, except incidentally in regard to a few minor points, on any of the detailed recommendations of the Committee ; the time for doing so has not arrived. It is needless to say that the words " take into consideration " have no technical meaning in this Resolution as they have when applied to the second reading of a Bill. The Report itself is not one on which it is ever likely to be possible or desirable for the Central Government at any time to announce that they accept or that they reject the findings of the Committee as a whole. The Report and its accompanying volumes present to us a picture of Indian taxation as it exists to-day, tracing the genesis and history of different forms of taxation, examining the effects of particular taxes, bringing out the general tendencies of recent taxation, criticising here, suggesting there, and in a word, providing a general guide to the study of Indian taxation. The labours of the Committee will be a mine of information both for the Central Government and for the Provincial Governments and their Legislatures, and for critics inside and outside the Legislatures, for many years to come, whenever proposals are under consideration for increasing, reducing or modifying taxation. The Government could not, even if they would, announce a definite decision on most of the recommendations and suggestions in the Report. They have still to be discussed with the Provincial Governments, and in many cases the decision will rest entirely with those Governments and their Councils, and moreover the Government of India have promised that before coming to decisions they would give the Assembly this opportunity of considering the Report. The time for decision on details will be when the Central Government or the Provincial Governments bring forward budget proposals regarding taxation.

The greatest service done for us by the Committee and one for which we can all unite in expressing our gratitude irrespective of our views on details, is that they have brought together within the compass of an easily handled volume the facts in regard to the whole of the taxes now levied in India, as well as in regard to land-revenue on which there is and always will be some dispute whether it is properly described as a tax or not. The work of the Committee enables those who are concerned—and all are concerned—in the question of Indian taxation to survey the whole of the activities of the Indian tax-gatherer, from the chowkidari-tax to super-tax, from the Thathemada-tax in Burma to occupier's rates in Sind. Central taxation, Provincial taxation, and municipal taxation are all included in this survey, and so far as I am aware, this is the first time in the history of British India that such a complete survey has been made under Government auspices. The desirability, indeed the necessity, of such a survey cannot be questioned and was not questioned even when we had some considerable discussion in this House as to the scope of the Committee's functions. It was explained then on behalf of the Government that what was wanted was a practical examination of the existing system and suggestions for its improvement, with particular relation to the distribution

[Sir Basil Blackett.]

of the burden between the different classes of the community. The Committee were not concerned with expenditure, nor are we concerned with it to-day. Our object is to examine how and in what directions our existing methods of taxation can be improved, given as a starting point the necessity of a given scale of governmental expenditure.

It is human to regard all taxation as robbery. Each individual regards it as a grievance that his money is taken away from him for Government purposes. He is confident that he can spend his money better for himself than any Government can spend it for him. He may recognise in theory that there are certain services which only the Government can perform on his behalf, and he may be and often is clamorous in his demand that the Government should do this or that or the other thing, and very critical of the Government for failing to do what he demands. Nevertheless, he never gets away from the belief that he has a grievance because the Government collects its tax from him. When the Government spends money on defence, or law and order, or on sanitation or education, it is doing for the individual a service essentially required by him which he could not perform for himself in isolation and not even in most cases by voluntary combination with others. Even where a service is capable of being performed by voluntary combination, it may very often be the case that the Government can do the service both with more efficiency and at less cost than if it were left to individuals in combination. In India especially the demand for Government intervention in many directions in which in other countries reliance is placed on private initiative is always vocal, that is to say, the demand in India for Government expenditure, which means Government taxation, is particularly insistent. It was, I know, one of the hopes of those who were responsible for the introduction of the Reforms that a Government acting with a legislature on which there was a majority of elected representatives of the people would be better placed for the purpose of undertaking social activities, for raising and spending money on beneficent governmental measures of education and sanitation and so on, than the Governments of pre-Reform days. To some extent these hopes are being realised, and particularly in those Provinces which have been fortunate enough to secure a reduction of their provincial contributions the outlook to-day is hopeful. I might mention, for instance, what is being done for primary education in Madras and the Punjab, and I am confident that the hopes of the reformers will be increasingly realised. It is difficult to exaggerate the potential gains to India of a vigorous policy of extension of primary education—and that means money.

In these circumstances the policy and machinery of taxation in India become matters of supreme importance. I do not mean to imply that additional taxation will be immediately necessary or desirable; on the contrary, for the time being, as we get further away from the war upheaval, I look forward to the day when with the early extinction of the whole of the provincial contributions and with some improvements introduced into the Meston Settlement which will give greater elasticity to provincial revenues, the Provinces will be able, without extra taxation, to carry out many of the plans on which progressive Ministers have set their heart for ameliorating the lot of their peoples, and the Central Government may be able to assist them in the best way open to it by

carrying further that relief of the burden of the central tax-payer already happily begun in the reduction of the salt tax and the abolition of the cotton excise duty, not to mention the reduction of railway tariffs, all of which have been secured during the lifetime of this Assembly. But even before tax reduction becomes an active possibility, we want to know, and it is our duty to find out, whether adjustments of existing taxation may not be possible which will give the Government as much revenue as at present in a more economical way, that is, in a way which reduces the true cost of the sacrifice which the tax-payer is called on to make. And when the opportunity for tax reduction really comes, we want to be able to choose the right taxes to reduce and to effect reductions in the way most beneficial to the community. The absence of any complete survey of Indian taxation was severely felt in the days of the last Assembly when it was called upon to impose the additional taxation which was absolutely essential for India's solvency. Thanks to the Report and the other volumes now before us, we need no longer suffer from a similar disability, when the time for reversing the process arrives.

The Report brings out in a striking way the changes which the last 10 or 12 years have introduced into the taxation system of India. In the year 1913-14, of the total tax revenue (including land revenue) of India, 35.42 per cent. came from land revenue ; only 12.99 per cent. came from customs, and 3.52 per cent. from taxes on income. Owing to the introduction of the Reforms exact comparisons between 1913-14 and to-day are a little difficult, but approximately the figures for 1923-24, the latest year for which accurate data can be given, are : from land revenue 20.75 per cent., from customs 24.30 per cent., from taxes on income 12.30 per cent.

The war and its aftermath have led to large increases in taxation in India as well as in other countries. This is partly the result of war indebtedness, partly the outcome of expanding views regarding the sphere of governmental expenditure already visible before the war, and partly the natural and inevitable reflection of the fall in the purchasing power of money. The following figures which were, I believe originally worked out for the use of the Taxation Enquiry Committee will illustrate what has been India's experience. Taking into account all the tax revenue, including land revenue, of the Central and Provincial Governments, the incidence of taxation per head rose from Rs. 4 annas 2 in 1902-03, to Rs. 5 annas 6 in 1913-14, and to Rs. 11-1-0 in 1922-23. The distribution of this taxation as between the cultivator and the non-cultivator, on certain assumptions which are necessarily hypothetical and which I need not here explain, was as follows : In 1902-03 the cultivator paid Rs. 2-10-0 and the non-cultivator Rs. 1-8-0. In 1913-14 the cultivator paid Rs. 3-1-0 and the non-cultivator Rs. 2-5-0. In 1922-23 the cultivator paid Rs. 4-12-0 and the non-cultivator Rs. 6-5-0. As the index number of wholesale prices in Calcutta rose from 100 in 1914 to 180 in 1922, it will be seen that the increase in total taxation per head at the end of 1922-23 was largely accounted for by the fall in the value of money, and it is doubtful whether the real burden on the cultivator was any higher in 1922-23 than in 1913-14.

. Since the introduction of the Reforms land revenue has ceased to be an important contributory to central revenues. The budget of the Central Government, so far as it depends on the proceeds of taxation,

[Sir Basil Blackett.]

is fed mainly by customs, taxes on income, and salt. In the year 1926-27 central taxation is estimated to produce a total revenue of 74.4 crores, of which 62.4 per cent. comes from customs, 23.0 per cent. from income-tax, and 9.3 per cent. from salt. Owing to the urgent necessities of the years 1921 and 1922 the Government of India were driven to make large increases in the customs duties and the policy of discriminating protection accepted by the first Assembly in 1923 has also tended to increase the gross yield of customs duties. The proportion which they bear to our total revenue is, I think, a matter of some concern, and we shall, I think most of us, agree with the Taxation Enquiry Committee that it would be preferable if direct taxation contributed a larger share of our total tax revenue. To some extent we may hope that this will come about automatically since the yield from taxes on income is at present abnormally low owing to the worldwide depression of trade in which India has been sharing. There are, however, some important suggestions in the Committee's Report for improving the yield from taxes on income. I refer particularly to the problem of evasion, legal or otherwise, which it will be necessary for the Government and the Legislature to examine together with a view to a solution at an early date.

The growth of communications and the spread of irrigation in India, the introduction of the Reforms and the allocation of land revenue to the Provinces, and above all the separation of the Railway Budget from the General Budget, have greatly modified the problem of producing a Central Budget since the days when a predecessor of mine described the Indian Budget as a gamble in rain. The Ways and Means figures which include those of the Provincial Governments, are still very much dependent on the monsoon. But it is now very much easier for the Government of India at the time of the presentation of their annual Budget to feel confident that reasonable reliance can be placed on their estimates of revenue taken as a whole. Generally speaking, it is the following year and not the year to which the Budget relates that will be seriously disturbed so far as the central Budget is concerned, by a bad monsoon. This is a considerable gain, and I think we shall be wise if we take thought in time how best to maintain and improve on the advantages thus secured. The item in our revenue which is most dependent on the monsoon is Customs, and we must be careful not to re-introduce the gamble by relying too much on the proceeds of customs duties.

I do not propose to deal in detail with any of the recommendations of the Committee in regard to Customs. I confess to disappointment in finding that they have to some extent gone back on what I regard as the wiser views of the Fiscal Commission on the subject of export duties, and in particular on the undesirability of using export duties for protective purposes. I think also that the Committee have tended to lay undue stress in regard to customs duties generally on the question of incidence and too little stress on the economic effects of particular duties. The question of incidence is of course very important and enters into what I have been saying in regard to the desirability of increasing the relative importance of direct taxation. But in dealing with duties such as the import duty on motor cars, for example, it is not, I think, sufficient to say that the increase in the number of cars imported justifies the rate of 30 per cent. The Committee themselves see this in another

passage when they suggest the desirability of considering the duties affecting the users of motor cars as a whole and endeavouring to come to some arrangement which will secure, without necessarily reducing the total taxation paid to all the different taxing authorities in India by motor car interests, the rapid development of motor transport in India with all the benefits that it would bring to Indian economic, social and agricultural welfare. This is a subject which will require and deserves the attention both of the Central Government and this Assembly and of the Provincial Governments and their Legislatures.

In view of the shortness of the time at my disposal, I will say nothing now in regard to other items of central taxation beyond mentioning the fact that in accordance with the Committee's recommendation we have appointed an officer to make an expert examination of the whole subject of the production and distribution of salt in India. The opportunity which the centralisation of salt administration offers us must be seized in order to secure that competition between one province and another may not interfere with the efficient and economic conduct of the business as a whole. The examination by this officer will, in addition, prepare the way for considering whether there is a *prima facie* case, as is suggested by the Committee, for approaching the Tariff Board with a view to the protection of Indian salt and the dethronement of imported salt from its predominant position in Bengal and Burma.

A large portion of the Committee's Report is concerned with questions such as land revenue, in regard to which the primary responsibility rests on the Provincial Governments and their Legislatures. The examination of the Committee's proposals and views on these subjects must be left mainly to the Provinces. I shall say little to-day in regard to provincial and municipal taxation, except in so far as it requires mention in connection with the subject to which I now pass, namely, the important subject of the financial relations between the Central and Provincial Governments and the allocation of particular taxes to the one or the other.

In the days before 1921 India was familiar with what were known as the periodical provincial settlements and in some respects the settlement which accompanied the introduction of the Reforms represents a natural and historical evolution of processes which were in operation before 1921. But it has always seemed to me that it has been insufficiently realised that the Reforms meant a complete break with the past and the introduction of a revolutionary change in the fiscal relations between the Central Government and the Provinces. The Reforms once and for all changed the position of the Provincial Governments from that of subordinate agents of the Central Government carrying out their functions, including the functions of raising taxation and spending money, on behalf of and under the orders of the Central Government, and made them into separate Governments forming constituent parts of an Indian Commonwealth whose federal functions were entrusted to a Central Government. In a word, the Reforms introduced India to all the problems of federal finance. The right solution of these problems is of paramount importance if the aspirations of those responsible for the Reforms are to be fulfilled and India is to develop along the lines of responsible self-government. The importance of right solutions cannot be overstated.

[Sir Basil Blackett.]

There is an instructive article in the June number of the *Round Table* in which attention is drawn to the enormous economic waste resulting from the fact that continental Europe (excluding Russia) with an area of 2,100,000 square miles is divided up into a number of nationalist States with independent taxation systems and 26 customs barriers. This disunion is contrasted with the United States of America where in an area of 2,617,000 square miles there is not a single tariff barrier. India with an area of nearly 2,000,000 square miles and a population three times that of the United States of America has the immense advantage of being for practical purposes a single economic unit with a single customs tariff. It is true that the customs tariffs of some of the Indian States detract from the completeness of the unity, and ideally there would be considerable gain if these exceptions, together with the provoking interferences with commerce imposed by octroi and transit duties where they exist, could be done away with. The Taxation Committee has done a real service in drawing attention to the dangers of octroi and transit duties. The economic unity of India is an immense asset to her, and in my opinion is the essential condition of her political unity and development as a nation. It must never be forgotten how easily and quickly mistakes in dealing with problems of federal finance and federal taxation might threaten this unity. Let me give an example. Under the Meston Settlement excise duties are allocated to the Provinces and are in all cases a transferred subject. It was not long after 1921 before it was discovered that the possibilities of extreme inter-provincial friction were lurking behind the question whether the excise duty on liquor produced in one Province and consumed in another should accrue to the producing or to the consuming Province. It has now happily been settled by agreement between the Provinces that duty should follow consumption, but obviously in the absence of a right solution inter-provincial friction might have led to economic warfare between one Province and another and the re-introduction of something not easily distinguishable from customs barriers. It would also have led inevitably to the intervention of the Government of India in a transferred subject, which is quite contrary to the intention of the Reforms to leave Ministers masters in their own house in regard to transferred subjects. There are still some unsolved points in regard to this question of duty following consumption, as for example, the question of duty on *charas* collected in the Punjab and consumed in the Indian States, but the principle that duty follows consumption has been affirmed. Take another example—the Taxation Committee Report is full of them—transit and terminal taxes. A case came to my notice recently in which a local authority proposed to put a heavy duty on goods exported from within its jurisdiction in an area in which the main export is salt. The local authority was in effect trying to encroach upon the Central Government's sphere of taxation. It is absolutely necessary to arrive at clear rules regarding the limits between the powers of taxation of one taxing authority and another if this sort of encroachment is to be prevented, with its inevitable sequel of intervention by the superior taxing authority in the doings of a subordinate authority contrary to the spirit of local self-government. If each authority is to be free to develop its own sphere, general principles must be arrived at preventing encroaching or overlapping. Care has to be taken that such a tax as the profession tax does not become a second income-tax.

interfering with the Central Government's powers in assessing and collecting income-tax. You cannot have proper development of self-government whether in a Province or in a municipality or in a district board unless the line of demarcation is clearly drawn and intervention by the superior authority rendered unnecessary by clear rules limiting the powers of subordinate authorities to encroach on the superior authority's sphere of taxation. Equally of course the Central Government must take care in framing its taxation proposals not to encroach on the powers of the Provincial Governments and local authorities.

The Meston Settlement must not be regarded as *ejusdem generis* with the provincial settlements of the pre-Reform period. It was their lineal successor, but it was different in kind. It was intended to be definitive, and though no doubt it was expected that minor improvements could be introduced from time to time as the result of experience gained in working, it is important that all should realise that it is not a provisional settlement to be revised periodically with reference to the growth of revenue and expenditure in each Province. If after a given period the requirements of each Province are to be re-assessed with reference to the progress of expenditure in the Province, it is obvious that it would not be possible for the Central Government, or indeed for the other Provinces, to disinterest themselves in the use to which each Province was putting its powers of self-government under the Reforms. Provincial autonomy would be impossible in such conditions. The financial relations between the Central Government and the Provinces must be settled in a way which leaves each free to attend to their own spheres of administration without encroaching on or interfering with the other. The Central Government must have assured sources of revenue, sufficiently elastic to enable it to deal with the big emergencies to which it is subject. The Provincial Governments must have their separate sphere of taxation and must be able and willing to develop their own revenues and their own expenditure policies in the interests of their own inhabitants, without encroaching on central revenues and without being encroached on by the Central Government's tax collectors.

If we are to approach the question of improving the Meston Settlement with any reasonable hope of success, we must begin with the proposition that the Meston Settlement is the only possible starting point and that our object is to amend it and not to replace it.

We cannot, for example, propose to take away something from one Province and give it to another ; if anything is to be given, it must be at the expense of central revenues, and even then care must be taken not to favour one Province more than another. The Government of India have come to no conclusions as yet in regard to the proposals of the Taxation Committee for an improvement of the Meston Settlement. It is possible, however, to envisage the lines which amendment should follow. In the first place, it is, I think, obvious that central revenues cannot be called upon to make any new concessions to any of the Provinces until we have fulfilled our primary obligation of getting rid of the provincial contributions. Until these are extinguished, the original settlement will not have come fully into force, and if we start to give up something either to an individual Province or to the Provinces as a whole before the contributions are extinguished, we shall really be causing one Province to surrender something in favour of another. Our starting point therefore is the position which will have been reached

[Sir Basil Blackett.]

when the provincial contributions are extinguished, and our object is not to invent a new settlement but to see whether we can improve on the existing one. The next point which I want to stress is that the provincial contributions have very unhappily obscured the true state of the case. The intention of the financial settlement under the Reforms was that the Central Government, and the Provincial Governments should each have their separate and independent spheres of taxation and should henceforward rely on these and cease to hanker after each other's possessions. There ought to be no more reason for one of the Provincial Governments to look greedily forward to getting a slice out of what is at present central revenue than there is for the Central Government to hope for getting extra money out of the provincial tax-payer towards meeting central expenditure. But the existence of the provincial contributions has led all the Provinces quite naturally to objecting to making fresh demands on the provincial tax-payer and throwing the blame for local penury on the Central Government which has not yet remitted the provincial contributions. And this had led on to the further consequence that quite apart from the provincial contributions, the Provincial Governments and Councils have been living in hopes, not perhaps very sanguine but still enough to divert their minds from the development of their own powers of taxation, of being able at some future date to raid central revenues. The urgent desirability on every ground of ending these contributions is a theme on which I need not enlarge.

Now, the most important of the suggestions of the Taxation Enquiry Committee in this connection are perhaps those for adding elasticity to provincial finance by giving the Provinces a larger share in the proceeds of taxes on income, and for taking back non-judicial stamps for the Central Government. There are many arguments in favour of the latter proposal. The allocation of non-judicial stamps to the Provinces under the Meston Settlement was decided upon not on merits, but as a balancing factor. It has been found necessary to fix the rates of duty in many cases by Central Government legislation in order to prevent variation between Province and Province, and considerable difficulties have arisen as the result of variations in those duties the rates of which are not centrally determined. If the Government of India are successfully to pursue their policy of improving the financial, banking and monetary machinery of India, a matter which will become specially urgent when the Report of the Currency Commission is considered, it seems almost inevitable that they should resume the power of determining the rates of duty on financial instruments of all kinds and recover freedom to act without reference to the narrower interests of provincial finance. The Taxation Enquiry Committee make various suggestions as to the means of balancing this transfer, but I am inclined to think that the effort to find balancing factors by transferring other taxes to or from Provincial Governments is a will-o'-the-wisp : some other solution must be found.

A constant complaint of the Provinces, and in particular of the more industrial Provinces is that it is the Government of India through the income-tax, and not the Provincial Government, which gets the benefit of most of the improvements in economic prosperity which results from provincial expenditure and progressive provincial policies. There can be no question of the Central Government's surrendering the taxation of income to the Provinces altogether, and the Central Government must

retain the monopoly of the right to impose income taxes. But there are strong arguments for giving the Provinces a share of the proceeds. The arguments for doing so would be still stronger if at any time the somewhat hesitating pronouncement of the Taxation Enquiry Committee in favour of income-tax on agricultural incomes were to become a matter of practical politics. The existing arrangement for giving the Provinces a share of income-tax has admittedly entirely failed of its purpose. We want a new formula for dividing an appropriate share of the proceeds of the income-tax among the Provinces, and if reasonable elasticity in provincial revenues is to be secured by this means, a considerably larger share of income-tax than at present must accrue to the Provinces. The Government of India have examined various proposals for arriving at such a formula based on the personal returns of assessable income in each Province. The first step must be to determine approximately the amount out of the proceeds of taxes on income which Central Revenues are prepared to surrender. Let us take this figure as about 3 crores. This would enable us to give to each Province in place of the existing assignment under Devolution Rule 15 an assignment at the rate of about 2½ pias in the rupee on the personal assessments of the year 1925-26, that is, the penultimate year, supposing the new arrangement would come into force on 1st April 1927. Thereafter, each Province's share would continue to be that number of pias in the rupee on the personal assessments year by year, and each Province would be able to look forward to receiving a share of income-tax which should normally be an increasing one from year to year and which would increase all the faster the more progressive the policy of the Local Government. So long as agricultural incomes do not contribute to income-tax, the index of prosperity afforded by income-tax returns must necessarily be a defective one in that it is incomplete. But in the land revenue, except where it is permanently settled, the Provinces already have a source of income whose elasticity depends on agricultural prosperity. A formula of the kind proposed dependent on income-tax will at any rate help in giving the Provinces an interest in the growth of non-agricultural wealth.

In the case of most if not all of the Provinces the amount of revenue surrendered in the transfer of non-judicial stamps to the Central Government will be larger than the additional revenue they will secure by getting an increased share of income-tax. The opportunity will of course have to be taken to clear up as many as possible of the outstanding questions as between central and provincial revenues, and to get rid of assignments such as those given to Bombay in respect of customs duty on Government stores or to the Punjab in respect of the surrender of the excise duty on liquor consumed in the Delhi area. After taking all these into account, it might be found that in order to put each province to begin with in the same position as it would have been if no change had been made in the Meston Settlement, a fixed assignment from central revenues to provincial revenues would be necessary to restore the balance. Contributions from provincial revenues to central revenues are objectionable on many grounds both in theory and in practice ; some of these objections apply to assignments from central revenues to provincial revenues ; but it seems doubtful whether the jig-saw puzzle can be solved in any better way. The objections to an assignment of this sort are not insuperable provided it is recognised that the assignment is a fixed one and intended to be of more or less indefinite duration, even though

[Sir Basil Blackett.]

it might be formally expressed as open to revision after a period of, say, 10 years.

As I stated at an earlier stage, the Government of India have come to no final conclusions, in regard to this important question. What I have said is intended merely to form the basis for discussion. A letter on these lines has just been despatched to Provincial Governments. The essential thing is, if we are to give reasonable scope for the development of provincial and local self-government, that a definitive conclusion should be arrived at as soon as possible. Amendments to the existing settlement cannot be introduced until the provincial contributions are extinguished, but I see no reason why we should be prevented in the meanwhile from arriving at an agreement as to what those amendments should be with a view to their introduction from the moment when the contributions disappear. Once the revision has taken place, the Provinces must realise that for the future they will be expected to stand on their own feet and must not look for further subventions direct or indirect from central revenues. The Central Government should rely on a few major categories of taxation such as Customs, Income-tax and Salt, and are bound to guard jealously their powers of meeting an emergency such as a great war and must not limit the elasticity of their sources of revenue. Some reduction of central taxation as soon as the provincial contributions have been cleared away is obviously desirable not only in relief of the tax-payer but also in order that there may be a margin for an emergency. The Provinces on the other hand must accept the fact that their own development is in their own hands. They must recognise the necessity of using to the full their own powers of taxation. There is a large field of taxation reserved to them and they will find many of the suggestions of the Taxation Committee, such for example as their proposals regarding water rates, an excise duty on tobacco, and probate duties, of great value. In some cases an enabling Act passed by the Central Legislature may be necessary as a preliminary. But it will be for the Provinces to decide how far it is desirable to explore new methods of taxation whether for the purpose of reducing existing taxes where they bear heavily on the tax-payer, or with the object of meeting new progressive expenditures. Here too an eventual reduction of central taxes will help, since the central tax-payer is also the provincial tax-payer. It will also be for the Provincial Governments to remedy a serious defect which the Taxation Committee have brought prominently to light, namely, the undue reliance of municipalities and district boards on subventions from provincial revenues. The development of local taxation and local expenditure is of special importance if that extension of education and sanitation throughout the country for which all thoughtful well-wishers of India are clamant is to be brought within the range of practical politics. I do not suggest that subventions should be ruled out altogether; but they should not be relied on to take the place of reasonable local taxation. Local experience in the art of local taxation and expenditure is essential to local self-reliance and the development of local self-government. The unwillingness of many municipal bodies to impose adequate taxation and to collect it punctually and vigilantly is at present seriously hampering progress, as also their tendency to prefer the least desirable forms of taxation such as octroi and transit duties and terminal taxes rather than direct taxation. I

rejoice to see that the recent conference on local self-government in Bombay set its face against unsound methods of taxation.

The economists draw a distinction between taxation for what they call burdensome expenditure and taxation for beneficial expenditure. In truth, all Government expenditure, if wisely directed, is for the benefit of the citizens as a whole, but it is easier to trace direct benefit in cases where the result of expenditure is to irrigate new land or to provide a town with new drainage or its children with education, or to provide a district with roads the building of which improves the yield of agricultural land and reduces the cost of agricultural produce delivered at the consumer's door. Efforts are sometimes made to calculate the average national income per head of the population of a country and to argue that no more than x per cent. of that average income or of the total income as so ascertained should be taken by Government by way of taxation. Such statistical comparisons are occasionally of value provided the statistics are reasonably accurate, which is seldom possible, but arguments based on such statistical comparison cannot provide us with principles for deciding on taxation policy. In a communist State it is to be presumed that the Government takes the whole of the income of the people with the idea that it can spend it more wisely than if it left the choice of expenditure to the individuals who compose its population. In an anarchist State there would presumably be no Government and no taxation. Reasonable human thought has preferred a compromise between these extremes, but human nature tends nevertheless to regard all taxation as robbery. The science of taxation and the science of governmental expenditure require to be carefully distinguished. In considering questions of taxation the object in view is to raise the amount of revenue required at the least possible economic cost to the tax-payer of the country. Provided that the taxation system is reasonably scientific, the proportion of the national income which can be wisely taken in taxation depends very largely on the nature of the expenditure to which the Government applies the money raised. There must be for every Government a minimum of absolutely unavoidable expenditure on internal and external defence of law and order. But over and above that there is a vast amount of optional expenditure which in India includes most of the so-called nation-building services. The amount which must be raised in taxation depends therefore on expenditure policy. In considering expenditure it is essential to remember that for every rupee of expenditure a rupee of income must be provided and presumably provided by taxation. Whether the expenditure can be wisely incurred or not depends on the benefit which may be expected to result to the people of the country as a whole as compared with the benefit of some competitive expenditure or with the benefit of avoiding the extra expenditure altogether. For us in India the years that are coming offer immense opportunities of social development. While the Central Government in the absence of some emergency may hope before long to be able to take up the question of reducing taxation, the problem for the Provincial Governments will be not so much whether taxation should be reduced as whether its administration can be improved and its incidence better adjusted, in order that new expenditure may be wisely undertaken as soon as means can be made available.

Let me then sum up the picture which I see before me of the story of taxation in India in the years before us. For the Central Government

[Sir Basil Blackett.]

the first task is to complete the process of extinguishing the provincial contributions and to make such minor modifications in the Meston Settlement as, without any serious inroad on the resources of the Central Government, will add some additional flexibility to those of the Provinces. During this period the Central Government can hope to do little in regard to taxation beyond effecting some minor adjustments here and there and taking some steps not so much to increase as to prevent the falling off of the yield from direct taxation. Thereafter, the Central Government will, I think, direct its policy to reducing the proportion of indirect taxation to the whole, with its eye on the one hand on the necessity for a margin in the event of an emergency, and on the other hand upon the needs of the Provinces which it would try to meet by so adjusting the burden which the payment of central taxes imposes on the central tax-payer as to increase his power in his capacity as provincial tax-payer to contribute to provincial needs. The Provinces meanwhile will have the advantage, to start with, of relief from provincial contributions, and, perhaps even more, of the fact that with the extinction of those contributions they will be less subject to the error of looking to encroachment on Central Government's resources as a means of meeting their provincial needs. They will turn to their own wide powers of taxation for the sinews of their war on disease and ignorance and will be helped in the development of their resources by the concurrent progressive reduction of the level of central taxation. The Reformed Constitution has stimulated the growing interest of the Provincial Governments and Ministers in the improvement of their heritage. The taxation system is one of the foundations on which they must build. With the Taxation Committee's Report as a guide to the study of taxation policy, they will surely build the better.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : I

I P. M.

am sure the House will feel grateful to the Honourable the Finance Member for the exceedingly interesting statement which he has made this morning. The Honourable Sir Basil Blackett has remarked that the Resolution which he has moved to-day marks an innovation in procedure. Undoubtedly the innovation may appear to many to have the advantage of giving us an opportunity of expressing our views on the many interesting questions which have been dealt with by the Taxation Committee. The Honourable Member himself has glanced at a number of very interesting problems relating to taxation, central and provincial, and it might at first sight appear to be a very valuable opportunity for us to take advantage of and to express our views upon these questions ; but though at first sight it appears to be a tempting opportunity I am inclined to think that it will be very unwise for the Assembly to commit itself in any way to any expression of opinion upon the various recommendations which have been made by the Taxation Committee. When the proposal for the appointment of the Taxation Committee was made, I was not enamoured of it. I agreed to it with some reluctance not because I thought that it was necessary or that any occasion had arisen for such an inquiry, but because I thought that the materials which might be collected by the Taxation Enquiry Committee would be of great use to us whenever an occasion arose for imposing extra taxation. I may say at once that I am not one of those who think that the

progress of this country can be achieved without recourse to extra taxation. I regard it as an indispensable condition of progress, especially along the various lines of activity which we are in the habit of speaking as nation-building activities ; but at the same time I think it will be very unwise for us to be led away by the appeal of the Finance Member, to be influenced by his siren voice into expressing any definite opinion upon these various proposals. Before going further I should like to associate myself with the tribute which he has paid to the members of the Taxation Enquiry Committee, for the ability, the industry and the thoroughness which they have brought to bear upon the subject and for the vast amount of material which they have collected in connection with the subject of taxation. I have no doubt that all this material and the opinions which the Taxation Committee have expressed will be of the greatest possible assistance to us whenever we have to decide upon any particular form of taxation which may be proposed by the Government.

Now, Sir, the primary object of this Resolution, as it is put, is to request the Governor General in Council to consider the recommendations of the Taxation Enquiry Committee. I do not think that the Governor General in Council requires any invitation from us to consider this Report. There are many things which he considers without our invitation and there are many things which he declines to consider even upon our invitation. The object as it is put forward in the Resolution does not appeal to me. Then coming to the other aspect of the Resolution, that it is indirectly intended to give us an opportunity for an expression of our views, I think in the first place it will be impracticable. In the next place I think it would be premature and unwise for the Assembly to express any opinion upon the subject. I consider it impracticable for this reason. The Report covers the whole field of taxation in this large country and I sincerely doubt whether it will be possible for us in the course of a two days' discussion or even a two months' discussion to express any really valuable opinions upon the whole field of taxation in a country like India. The discussion would be largely in the nature of an academic debate. It will be simply beating the air. It would be a much more suitable subject for a college debating society than for an Assembly like this concerned with serious practical affairs. I consider it premature for this reason, that until we know what additional expenditure is meant to be incurred and for what purposes, whether the Government have got funds for the objects upon which they propose to spend and if they have not got how much they wish to raise and by what means—until we have some definite statements and proposals put forward by the Government,—it will be premature for us to have any discussion in an Assembly like this consisting of 140 Members even if diminished by the absence of the Swarajist bloc. I very much doubt whether any discussion of this sort would really produce any valuable results. Sir, I consider it also very unwise and for this reason. In the first place there are so many proposals for taxation. Some of them may appeal to some Members and others may appeal to other Members and there is a great likelihood of mutually destructive criticisms. One set of people may criticise one tax, another set of people may criticise another tax and this vast diversity of opinion may perhaps induce the Government to think that this general dissatisfaction is an indication of the soundness of the proposals just as

[Sir P. S. Sivaswamy Aiyer.]

the dissatisfaction of both the parties with an arbitrator's award is sometimes supposed to constitute evidence of its justice. There are few taxes which can be said to be entirely unobjectionable. There are few taxes which are so objectionable that they can never be proposed even in a time of financial crisis. It is difficult for us to say that any one tax is absolutely unobjectionable or that any one tax is so objectionable that it should never be resorted to. It is after all a question of comparative merit or demerit. It is a question of choice of evils. Why should we forestall the evil day and why should we express our opinion as to the relative merits of one measure of taxation or another until we are actually called upon to determine it? Now another reason why I consider it unwise is this. If we express any approval of these various proposals it will be arming the Government with a very extensive power which is only too liable to be abused. It would be giving the Government a *carte blanche* to make any selection they like out of an assortment of taxes and whenever they find it necessary to raise additional funds they may say : Mr. So and So, expressed his approval of this tax and another influential gentleman expressed his approval of another tax and that they are entitled to rely upon the support which has been given in the Assembly. Now one great danger in arming the Executive Government with this extensive power is that they are likely to be tempted into all sorts of extravagant proposals for taxation. I for one should very much hesitate to offer any such temptation to His Excellency the Commander-in-Chief or some other Ministers who may propose to make a raid upon the financial resources of the Central Government. No doubt we know that the Finance Member is always bent upon economy and upon resistance to all these various attempts to raid his resources, but he is only one out of a Cabinet of 6 or 7 and he may not always be able to resist the demands of the spending Departments. I should therefore be very chary of giving any sort of approval, definite or indefinite, to any proposals for taxation in this general way. Let me add one other consideration. Let us not forget the position in which the law has placed us. Let us remember that under the provisions of the Statute, we non-officials have no responsibility for any constructive proposals for taxation. The responsibility rests entirely in the Executive Government and we are prohibited by law from making any constructive proposals for levying money. Under these circumstances, remembering the limitations placed upon us by Statute, we need have no fear of any just reproach of irresponsibility if we decline to listen to this appeal but leave it to the Executive Government to bring forward any measures of taxation which they after careful consideration may decide to place before this House. Then will be the occasion for us to express our opinion. The attitude of every opposition and, if we do not regard ourselves as an opposition, the attitude of the non-officials under the existing constitution of this Assembly must be one of mere criticism, not an attitude which should lead them to offer any positive constructive suggestions for raising taxes.

Sir, I hope none of us will be led away by the appeal of the Finance Minister and express any opinion upon the various proposals contained in the Taxation Committee's Report. Now let me fortify myself by reference to one or two passages in the minutes appended to

the Report. Let me first refer to the memorandum by Dr. Paranjapye. He says :

"It would be an improper use of the work of the Committee to impose any particular new tax or to enhance an existing one, simply because the result of the inquiries shows that it is practicable to do so, without considering the persons by whom, the manner in which and the purposes for which the money is to be spent. In considering this latter point I desire to emphasise the fact that in my opinion Governments generally, and irresponsible and partially responsible Governments in particular, are apt to pay less regard to economy when their coffers are full, and that there should be no addition to the revenues of the country for purposes of expenditure on new objects unless those objects have first been approved by the representatives of the people."

Again, my friend Dr. Hyder and the Maharaja of Burdwan express themselves in this way :

"Both the direction of expenditure and the adequacy of the amount have to be determined by the people's representatives. To remove all manner of misunderstanding, we desire to make it perfectly clear that given certain ends our task has merely been to inquire how the revenue for the attainment of those ends may be raised with the least amount of hardship and the least waste ; to indicate in other words the suitability of the possible sources of revenue rather than to consider either the desirability of those ends or the determination of the amount of revenue necessary for their realisation. These are questions for the people themselves and their representatives to consider and to determine, not for us the members of a Committee which must concern itself with the technical aspects of these questions."

So, I think, Sir, unless the Government bring forward concrete proposals for expenditure and concrete proposals for raising the money required by some particular form of taxation, it would be premature for us to express any approval or disapproval beforehand and commit ourselves in any manner. It may perhaps be said that our whole system of taxation is unscientific, inequitable and unsatisfactory. We all remember that statements to this effect were made in another place on the occasion when the proposal for this taxation inquiry was initiated. But I would ask, is there any country in the world which has got a thoroughly scientific, a thoroughly equitable and thoroughly satisfactory scheme of taxation ? You can always find fault with the system of taxation in any and every country in the world, and it is foolish to imagine that it would be possible for this country or any other country to wipe out its existing system of taxation and substitute an entirely new scheme of taxation in its place. We cannot possibly write on a clean slate. We must take the existing scheme as it is and build upon it, add to it or alter it. We cannot get away from or completely overhaul the existing scheme of taxation and expect to introduce a completely remodelled scheme of taxation ; nor can we indulge in the hope that any scheme of taxation which we may be able to suggest would be considered thoroughly scientific, equitable and satisfactory. I for one would refuse to take part in the pastime of discussing any such project for remodelling the entire scheme of taxation. We had better leave it to those grave and reverend seigniors who sit in the other place which has been complimented by the Government *ad nauseam* on its superior wisdom. By all means let them indulge in that diversion. We have more serious things to attend to. I would ask you to commit yourselves to no expressions of opinion with regard to any of the recommendations and to wait until the Government in their wisdom decide to bring forward any particular measure of taxation for the purpose of meeting any special expenditure which they may consider to be necessary in the interests of the country.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I join with my friend Sir Sivaswamy Aiyer in congratulating the Honourable the Finance Member and the members of the Taxation Enquiry Committee for performing very satisfactorily the somewhat limited and odious task which was placed upon them of reporting on the equitable method of distribution of taxation in this country.

There was one passage, Sir, in the Honourable the Finance Member's speech, which I would like to draw the attention of this House to, and that was that this is the first Committee of the kind appointed in this country or anywhere else.

The Honourable Sir Basil Blackett : Not anywhere else.

Sir Hari Singh Gour : The first Committee of the kind appointed in this country, then, for the purpose of enunciating general principles of taxation.

The Honourable Sir Basil Blackett : If I may be allowed to interrupt, what I said was " to make a general survey of the existing taxation system ".

Sir Hari Singh Gour : To make a general survey of the existing taxation system and to formulate their recommendations thereon. This House is well aware of the protest made by the Members of this House when this Committee was formed, and of the limited scope of enquiry committed to its charge ; and I, Sir, repeat that protest on behalf of the Members on this side of the House. With the limited scope of the enquiry and the terms of reference to the Committee it is impossible for this side of the House to suggest any means of taxation upon the lines of the Resolution of the Honourable the Finance Member.

Sir, in my student days I sat at the feet of that great economist, alas, now no more, Mr. Alfred Marshall, and in one of his lectures to us he said, " Gentlemen, there is one principle in taxation, and that is no principle ". He said, " Taxation is nothing but a compulsory contribution from the subject for the upkeep of the State, and the best principle of taxation is the amount of money which the State can wring out of the subject ". Sir, that principle has gone deep into my heart, and the more I study books on economy the more I feel convinced of the truth of the remark made to us as economic students years ago in the Cambridge University. If this principle be right, what principle have we got to enunciate to this House as regards the equitable distribution of taxation ? The Honourable the Finance Member has passed in review the various methods of taxation, and I wish to confine myself to one of the three principal items of taxation to which he has adverted as the chief source of revenue of the Central Government. He speaks of Customs as yielding about 62 per cent., Income-tax 23 per cent., and Salt 9.3 per cent. Now, Sir, so far as the income-tax is concerned, the history of it is well known to this House. Somewhere about 35 years ago it was levied as a temporary measure for the purpose of overcoming the falling value of silver, and also to defray the cost of the Burmese War. It was then pointed out that it was a temporary measure and, if I do not mistake, they wanted at that time something like £60,000. For years this tax was a subject of criticism in the late Imperial Legislative Council, and the attention of the Government was drawn to the fact that this

tax was unpopular, and, because it was temporary, steps should be taken to abolish it. The then Finance Member quoted a Resolution of the Indian National Congress in support of this taxation and justified it on the ground that it fell equally upon Europeans as well as Indians. Now, Sir, in those days the amount that was received from income-tax was about one crore of rupees, and in the last year, and the year before last, the income received by the Central Government from that source is in the neighbourhood of 23 crores of rupees. During the War the Government of India imposed what is known as the super-tax, and we were hoping that on the conclusion of the War the first thing that the Government of India would do would be to abolish this temporary super-tax. What is the result? The Taxation Committee recommend the perpetuation of the evil of the super-tax, and the Honourable the Finance Member regards it as the mainstay of the Central revenues.

Now, Sir, I hold in my hands a little book called the "Income-tax" written by an American Economic Professor, Mr. Seligman, and he points out in that book that of all direct taxes the income-tax is least justifiable in a country where the capitalist class is of recent origin. In England, as the Honourable the Finance Member will admit, the accumulation of wealth has been going on for nearly 350 years. In India the accumulation of wealth, if it has begun at all, is only about 20 or 25, or 30 years old, and I, therefore, submit that whatever justification there may be for a large capitalist country like England with its established industries for the perpetuation of an income and super-tax, there is no justification for it in this country, and, so far as the super-tax is concerned, there is no justification whatever.

Now, Sir, I ask the Honourable the Finance Member to enlighten this House as to the quantum of tax which is wrung out of the middle classes in this country, in the shape of income and super-tax. Mr. Winston Churchill, speaking the other day in the House of Commons, declared that his first effort would be to reduce the income-tax, and, if I mistake not, it is less in England to-day than it is in this country, if we take the income-tax and super-tax together. Working it out I find that the income and super tax amount to as much as 48 per cent. of a man's income when it is calculated at the maximum rate. In other words, while the old Pindharas who used to rob the people of Bengal were satisfied with 25 per cent. of their income, the Central Legislature wrings out of the people, year in and year out, as much as 48 per cent.

That is only one aspect of the question. Have the Taxation Committee dealt with it? Yes, they have. In what way? They recommend that the super-tax be levied upon incomes above Rs. 30,000, and they further point out that there should be an increasingly graduated rate of income and super tax, and that there should be no distinction between earned and unearned income. Now, I consider this a preposterous proposition. Even in England and the Colony of Australia there is a distinction made between earned and unearned income; and in England itself income-tax is graduated upon principles which do not obtain in this country. A certain deduction is made for the maintenance of wife and children, but you make no deduction in this country. I should have thought that the Finance Member should have commenced by taxing bachelors twice as much as married men, and I should have expected

[Sir Hari Singh Gour.]

certain reductions made for each child of a married man. The Taxation Committee, who were supposed to have been a scientific body of men, appear to have all been bachelors because they have taxed all the married men and left the bachelors severely alone. (Laughter.)

Now, what is the principle underlying this extremely unequal method of taxation? Nothing whatever. And when we deal with the respective merits of the taxes Honourable Members will find at pages 442 and 443 their views crystallized as regards the order of precedence.

Now, Sir, I defy any Member of this House to tell me what tax is more necessary than any other tax. Let me give Honourable Members half a dozen taxes and I have not the slightest doubt that if the votes are taken every Member will vote differently to the rest of us. There is the question of the salt tax which is in the nature of a poll-tax. It is so admitted in the Report. There is the petrol tax, and the Taxation Committee recommend no reduction of the petrol tax, while the Honourable the Finance Member told us a few minutes ago that the development of the motor industry is necessary for the development of the facilities of transportation and the general development of the country, agricultural and non-agricultural. If that be so, I should have expected, Sir, that the tax on petrol would be reduced, if not wholly done away with. Then it has been said that the probate duties might be exploited for the purpose of raising revenue. Sir, it is sufficiently dear to live, but will you make it prohibitive to die? And that is the proposal which the Taxation Committee have solemnly placed before this House, or rather before the country, for consideration. There is not one single item in the vast field of taxation which is not open, I submit, to argument and criticism, and I therefore submit that this House would be well advised in closing this book and saying that we are not in a position to give you any advice as to what tax you should levy first and what tax last. If you really wish consideration of the question of taxation the first question you have to consider is how much money do you want and place each concrete proposal before this House, and that concrete proposal will be decided on its own merits if and when it arises. A generalisation of the character which we find in this book has neither the merit of any *a priori* justification nor is it supported by the rule of expediency. Take, for instance, this case. They say that in the order of precedence for the removal of taxation they place a reduction of the customs duties first. Then they place the removal of the export duty on hides. Now, Sir, the removal of the export duty on hides depends on the condition of the hide trade for the time being. Are you prepared to dogmatise generally that this must find a second place irrespectively and independently of the condition of the trade in hides at that particular moment? Then they go on to say that in the case of non-judicial stamps a revision of the Schedule should be made in relation to documents such as bonds and agreements. I do not see how this should have found a third place in the order of precedence of taxation. Then they go on to say that the standardization of land revenue will ultimately result in a further reduction of the proportion borne by the land revenue to the total taxation. Sir, this entirely depends upon the nature of the land revenue and the crop that is produced and the people who are primarily concerned with it. It is a question whether the permanent settlements in certain provinces were well advised and whether the land revenue exacted from them is

adequate for the purpose for which the State is justified in taxing land. That question I submit cannot be gone into apart from the general question of the principles and policy relating to the fixation of land revenue throughout India. And there are other questions. As my friend Sir Sivaswamy Aiyer has pointed out, the field is too vast ; the terms placed before this House are too wide, and there is neither any immediate necessity for the consideration of the general question, nor, indeed, is it desirable that this House should prejudge the question and not reserve to itself the power to judge and decide it if and when it arises. The Honourable the Finance Member has tickled some Members of this House by saying that we have had three years' experience of the work of the Assembly. Well, Sir, the accumulated wisdom of the three years of experience has taught us one lesson, and that lesson is not to precipitately decide upon this vast and thorny question of taxation at the fag end of the Session when we are not in a position to enunciate any general principle apart from any concrete proposals which have not been placed before us. On these grounds, Sir, I would ask Honourable Members on this side of the House not to commit themselves to any proposal, either made or adumbrated in the speech of the Honourable the Finance Member.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadian Urban) : Before the discussion proceeds further, Sir, may I move that the discussion of the subject be adjourned *sine die*. In view of the remarks which have fallen from my Honourable friend Sir Sivaswamy Aiyer and also in view of the importance of the subject, it is very desirable that we should have a full House. As it is, the representatives of the people, I am sorry to say, are absent or mostly absent, and it is not right that we should offer criticisms on important proposals like these, specially in view of the very important pronouncement which the Honourable the Finance Member has made to-day. He has made a pronouncement which deserves the deepest and most earnest consideration on our part. He has outlined a policy which he is going to pursue which requires our grave consideration. I do not think it is right that in a thin House like this we should go on with this discussion, and I therefore formally move that the debate be adjourned *sine die*.

Mr. President : Amendment moved :

" That consideration of this debate be adjourned *sine die*."

Sir Walter Willson (Associated Chambers of Commerce : Nominated Non-Official) : Sir, if I begin by opposing the amendment of my Honourable friend, Diwan Bahadur Rangachariar, will it affect my right to speak on the main subject ?

Mr. President : No ; the Honourable Member can take part in the general debate later.

Sir Walter Willson : May I then give some reasons why I wish to oppose this adjournment? You will hear me and call me to order if you think it necessary. Sir, I listened this morning to the excellent speech so thoughtfully and carefully presented to us by the Honourable Sir Basil Blackett, and I feel that in that speech, when we have it in print, we shall have a great deal of matter deserving most earnest and careful study, study equalled by that required of the Taxation Enquiry Committee's Report itself.

I listened also this morning to the remarks which fell from my distinguished friend Sir Sivaswamy Aiyer, and if he were here I should like to say how disappointed I was in the attitude that he adopted, because he has upon so many occasions given us such valuable help in the discussion of subjects before the House. It seems to me that there is this point too, the great desirability of having a party in this House who are prepared, when the Government hold out to us, as they have done on this occasion, an opportunity of giving them some sort of a lead before they have made up their own minds and are committed to a policy, gladly to accept that opportunity.

In view of the sense of the House as I understand it to be, I shall not presume to take up so much time as I had intended in going over certain paragraphs of the Taxation Enquiry Committee's Report, but I do think I should not be doing justice to my constituents if I did not take this opportunity of levelling one or two attacks at the Taxation Enquiry Committee's Report in order that....

Mr. President : I must ask the Honourable Member to reserve his observations on the general question for a later stage. The debate is now confined to the motion of Diwan Bahadur Rangachariar for adjournment.

Sir Walter Willson : I bow to your ruling and in that case I will only formally move the rejection of my Honourable friend Mr. Rangachariar's motion.

Mr. K. C. Roy (Bengal : Nominated Non-Official) : Sir, I rise to support Diwan Bahadur Rangachariar's motion for adjournment. After I had heard the notable pronouncement made by the Finance Member the obvious conclusion I came to was that the speech must be printed, circulated widely and discussed privately before we are asked to give a verdict on the pronouncement. Although Sir Basil Blackett has disclaimed from the very beginning any intention of giving any tentative conclusions of the Government of India, he had foreshadowed a system of federal finance which he has so much at heart. Under the circumstances the only obvious course left open to us is to ask for an adjournment, which I hope, Sir, the House will accept and you will grant.

The Honourable Sir Basil Blackett : Sir, I should like to make the position of Government clear in regard to this suggestion. It is not an infrequent charge against the Government that they come to their conclusions first and consult the House afterwards. We have tried on this occasion another method of progression. It does not seem to progress. We are now asked that the present discussion be adjourned *simpliciter*, presumably with the idea that, not exactly this discussion but some similar debate will take place at a later stage on the Taxation Enquiry Committee's Report. The position of the Government is that they promised very definitely that they would give a full opportunity of discussion of this subject before formulating any conclusions.

It is always difficult to discuss a motion which does not formulate conclusions. There is always a difficulty in this House unless the Government are prepared to express definitely the views which they have formed, at any rate tentatively, in regard to any subject under discussion. The debate otherwise is in danger of becoming what my Honourable friend Sir Sivaswamy Aiyer called a mere debating society discussion. The Government have no desire to force the House to discuss this subject if it does not wish to do so either now or at any other time. I expressed the view in my speech that it was not possible on a Report of this sort to come to a final conclusion accepting the whole of the Report or to draft a Resolution really covering the whole of the Report and saying that you either accept it or reject it or take a certain view in regard to it. I described the Report as a guide to the study of taxation in India and it is a little difficult to make a Resolution recommending something out of a guide to a study. But I understand the position to be that what Members who have spoken on this question of adjournment and others who have spoken to me before on the same subject would like would be that the discussion should terminate now and either at the next Session or in the course of 1927 some opportunity should be given at which a Resolution on the subject of the Taxation Enquiry Committee's Report containing some expression of policy to which the House might be inclined to commit itself should be brought forward. I venture to doubt whether anybody would be successful in framing a satisfactory Resolution of that sort. Nevertheless I am quite prepared on behalf of the Government, if the discussion terminates now or even if it does not, to consider whether in the course of the year 1927 opportunity cannot be given for the discussion of some Resolution of the kind I have suggested if it has considerable support in the House and it is the desire of a considerable number of Members that such a Resolution should be discussed. If as I gather, there is some difference of opinion as to whether the debate should go on to-day, I may say that I shall be happy to hear something more on the subject of taxation in which I am always interested ; but so far as that is concerned the Government will not vote against the motion for adjournment if it is taken to a division. They will be prepared to leave that to the House.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I should like to state my views on the question of the adjournment motion. It seems to me, Sir, that although this Committee was appointed against the considered and definite decision of this House, the fact remains that this Committee has been appointed and what is more this Committee has cost, as I see from the Report, something like Rs. 4,47,000 exclusive of the printing charges, and so on. It is perfectly true that Sir Basil Blackett, in order to conciliate the House, which was from the very outset definitely opposed to the appointment of this Committee, promised that no action would be taken upon the recommendations of the Committee without giving an opportunity to this House to express its views first. Having given that promise he naturally has devised a somewhat novel and unusual procedure. You, Sir, have admitted this Resolution, and that is that this Assembly recommends to the Governor General in Council to take the Report into consideration. I do not know what it means. I suppose it is one method which he thought would enable him to comply with the assurance he had given to the House, and he persuaded you, Sir, to admit it in the form of a Resolution. But I appreciate the intention behind it

[Mr. M. A. Jinnah.]

and that is to fulfil a promise and give some sort of opportunity to this House. I do not know what your ruling will be, but, as I understand it, no definite amendment can, I think, possibly be moved having regard to the form of this Resolution. Therefore, we are reduced to this position, that each individual Member can air his views according to what is a favourite theme of his own; and we had an example of that when my Honourable friend, Sir Hari Singh Gour, spoke. Now, is that going to be of any use whatever to the Government in arriving at their own decision as conveying the sense of this House? Each Member would naturally support his own favourite theme with regard to taxation, and, therefore, it seems to me that the debate or discussion would be absolutely barren, and I entirely agree with Sir Sivaswamy Aiyer that it will be nothing but an academic debate like that in which college students indulge. Is that a position to which this House is to be reduced—with the best of intentions on the part of Government to give us an opportunity? If the opportunity is going to be given to this House, if the sense of this House is going to be ascertained and if this House is going to come to a decision which will be of considerable importance and must necessarily influence the Government, there is only one way of getting the decision of the House, and that is by taking its vote. That cannot be done. Therefore I suggested, and I suggest it again, to the Government, to follow this course, namely, that we need not take up any more time on the present Resolution before the House. I am fully alive to the fact that the Assembly will stand dissolved at the end of this Session. I am fully alive to the fact that this Resolution, therefore, will lapse automatically, unless the Government can give us a definite assurance—and I want that definite assurance to be given—that some day will be given to us in the next Session without prejudice, if I may use that expression, either to the Finance Minister or this side of the House, as to the budget proposals that he may formulate. I do not agree that the House should not endeavour to come to some decision on the question of policy. Now for that purpose I would refer to the terms of reference. The terms of reference were to examine the manner in which the burden of taxation is distributed at present between the different classes of the population, and, secondly, to consider whether the whole scheme of taxation, central, provincial and local is equitable and in accordance with economic principles and if not in what respects it is defective. Now, it was suggested by one Honourable Member—what is the good of discussing this now? Another Honourable Member said that we should not discuss these abstract propositions but that we must only deal with concrete proposals which the Government actually bring before this House for practical purposes as they arise. I beg to differ with great respect from those views. I submit that we know perfectly well what are the classes of people who are taxed at the present moment. We know what are the taxes which are imposed upon the people and the system of this country; we know that definitely. We can express our opinion having regard to those facts; we can express our opinion particularly on this question referred to in the second part, namely, to consider whether the whole scheme of taxation, central, provincial and local is equitable and in accordance with economic principles and, if not, in what respects it is defective. I think, Sir, it is the duty of this House, having all the materials before them, to come to a conclusion if they can. I do not agree with Sir Basil Blackett when he said that the House will not be able to come to any such decision on a question of policy.

If the Taxation Committee has after elaborate consideration of the materials and the evidence placed before them made certain recommendations on those principles, surely this House ought to be able to come to some decision and give a clear and definite indication to the Government as to the policy and principles in the formulation of their future budgets. Therefore, I hope that the Honourable the Finance Member will not only give us an assurance that a day will be given in the next Assembly but that a day will be given for the purpose of enabling the Members of the House, or a particular group or party, to send in a definite Resolution enunciating a definite policy or principle relating to the terms of reference and then discuss them and get the decision of this House having regard to the recommendations of the Committee.

***Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I agree with a great deal of what my Honourable friend Mr. Jinnah has just said. But I differ from him in one matter. I do not think it would be an advantage to have a day set apart for the discussion of the question of policy to which he has referred. I think the regular procedure which has been followed on all such occasions when Commissions and Committees have submitted their reports should be followed. There was the Lee Commission ; there were other Commissions. Either the Government or Members of this House may bring forward particular motions, and, when those motions are brought forward, they are definite proposals round which the discussion can proceed. At present, if we agree to the suggestion of my friend Mr. Jinnah and have a day set apart, I fear there will be a feeling in the country that some fresh taxation is going to be imposed upon the people. (*An Honourable Member* : " No, no.") I wish that we should guard against that feeling. To have a day set apart for a discussion of even the second term of reference to which my friend Mr. Jinnah referred will, I submit, be an irregular and unusual procedure. If the Government think that out of the 198 recommendations which have been put forward by the Committee there are some which, after having deliberated upon them, they wish to put before the Assembly, we shall welcome a discussion of those proposals. We shall study them ; we shall know what to say about them. But if it is to be merely a rambling discussion of policy, I submit that would be an unnecessary waste of the time of the House. I submit, Sir, that there is always a danger that, when a man needs no particular treatment and yet submits himself to a course of treatment merely for the purpose of improving his health, he will find himself on the wrong side of the account by that process. There are many problems which require an examination in this country. We are not, I am sure, prepared to undertake a reconsideration of every branch of the administration with the object of improving it. There must be definite, clear proposals, and nobody is in a better position to bring forward such proposals than the Finance Department of the Government of India. I, therefore, submit that, while we fully appreciate the desire of the Honourable the Finance Member to give us an opportunity to discuss the Report generally, we feel also that this is not the right way of discussing the matter. He has not only given us the opportunity to discuss the Report, but he has also treated us to a very lucid discourse which was a review of the recommendations of the Taxation Enquiry Committee.....

Mr. K. C. Roy : It was certainly not a review. It was a new scheme altogether.

* Speech not corrected by the Honourable Member.

Mr. N. M. Joshi (Nominated : Labour Interests) : It was a lecture to college students.

Pandit Madan Mohan Malaviya : I am sorry, Sir, but I beg to differ from my Honourable friends. Whether it was a review or a discourse is a matter of opinion. I am inclined to think that a reviewer is not bound to deal with every proposition in the subject reviewed. He is at liberty to take some points and to lay stress upon them according to his own judgment, and I spoke of it as a review in that sense. Whatever it was, we have listened to that discourse, and we are grateful to the Honourable the Finance Member for it, but beyond that I submit the matter should be dropped here. I would beg to suggest, however, that the Honourable the Finance Member should withdraw the Resolution, because if he does not withdraw it.....

Mr. President : The Honourable Member will understand that the adjournment of the debate *sine die* was moved by Diwan Bahadur Rangachariar, and the debate is restricted to that motion.

Pandit Madan Mohan Malaviya : I am sorry, Sir. Then, Sir, I support that motion, and I hope that the proposal will commend itself to the Honourable the Finance Member.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I only propose to intervene in this debate on a very narrow issue. It has been to me, I may say, a debate of great interest, for it has occasionally been my misfortune to bring forward Resolutions dealing with Commissions, and much that has fallen to-day is very instructive to me for my future guidance. The Report was issued to the House in February 1926, I believe. So the House has had plenty of time to consider it. I understand that my Honourable friend the Finance Member's Resolution was brought forward with the object of eliciting from the House something in the nature of the enunciation of a taxation policy, if any group or individual had one. It cannot be said that no opportunity was given for such amendments to have been moved as would have allowed that to be enunciated. I do not agree with my friend Mr. Jinnah that no amendment could have been brought forward to the Resolution put forward by my Honourable friend.....

Mr. M. A. Jinnah : I did not say that, Sir. What I said was that I did not know whether they would be admissible.

The Honourable Sir Alexander Muddiman : If I know Mr. Jinnah, he would have been ready enough to have tried if he had been keen.

Mr. M. A. Jinnah : I might have failed, as I have before.....

The Honourable Sir Alexander Muddiman : The question before the House is whether this debate should be adjourned. But it is complicated with certain other matters on which I must say a word or two, and that is the question whether Government should accept my Honourable friend's suggestion and promise to give a future date and bring forward a definite Resolution. That was not at all what my Honourable friend the Finance Member offered.

Mr. M. A. Jinnah : I did not say the Government should bring forward Resolutions. I said the Government should set apart a day in order to enable the Members of this House to bring forward definite Resolutions which can be discussed and voted upon.

The Honourable Sir Alexander Muddiman : That, of course, is a broad proposition to which I could not possibly agree in those terms. What my Honourable friend the Finance Member did offer to the House, as I understood him, was that, if there was a considerable body of Members in the House who wished to bring forward a Resolution which commanded a considerable amount of support, he would use his best endeavours to enable a date to be obtained for that purpose. To that I have no objection, but I must point out to the House that they have been offered to-day a general opportunity for discussion that cannot be offered again. This must be quite definitely stated. There has been an opportunity for a hare hunt, but there have been no hunters. The opportunity cannot be given again. I do not in the least desire to detract from what my Honourable friend the Finance Member has offered in the name of Government, but it must be clearly understood what it is. We are not again throwing the Report open to a general discussion. We have done that, and that is finished. Honourable Members in the House who perhaps do not belong to a group have their opportunities of bringing forward Resolutions according to the ordinary rules, and all we stand committed to is this, that if there is a group in the House which desires to bring forward a definite Resolution dealing with matters arising out of this Report, and there is a general feeling that the House at large would like to discuss the Resolution, I am quite prepared, speaking on behalf of the Government, to give assistance in procuring a day at some convenient date next year. Further than that I cannot go. On the general question of the adjournment, I understand my Honourable colleague leaves it to the House.

***Mr. K. Rama Aiyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, after what has been said by the Honourable the Home Member on the matter, I would ask my friend Diwan Bahadur Rangachariar to withdraw the motion for adjournment, and I shall place my views before the House in a very few words. The question is whether we should not have an opportunity to express ourselves on the lucid statement made this morning by the Honourable the Finance Member. He has given us almost a key to the whole of the Taxation Committee's Report which has been placed before us. I take it that what the Honourable the Home Member said comes to this that no further opportunity will be given to discuss this matter unless a certain body of persons on this side, which would be considered sufficiently large by the Honourable the Home Member or by the Honourable the Finance Member, brings forward a combined Resolution for discussion. If that is the position taken, I submit that we should not delude ourselves into the belief that that would give us any further opportunity or even a bare chance of an opportunity of discussing what we think might be done upon the Report. I think the proper thing for the Government to do in a matter like this is to give an opportunity to the House to discuss any definite proposals that might emanate from the Government. If that is not the view of the Government, I do not know if the House would be well advised not to take advantage of this opportunity to express ourselves on the several questions that have been raised. What I understood the Honourable the Finance Member to say was that he would take the opportunity of considering the whole position and placing it before the House for discussion, and that was what we took his proposal to mean. I think, however, Sir, the whole thing has taken a different turn now. I want my friends to consider this matter.

*Speech not corrected by the Honourable Member.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : I think the statement that has just been made by the Honourable the Member ought to satisfy this House. What was wanted by my Leader, Mr. Jinnah, was that a sort of assurance should be given that in the next Session an opportunity would be afforded to this House to discuss any definite matter which might be brought forward by any definite group of non-official Members. We are either in a position to formulate a definite proposition on this Report or we are not. If we are, then the Honourable the Home Member says : " Intimate that fact to me." If we intimate that fact to him, then we ought to be in a position to state also whether there is a general desire on the part of the non-official Members of the House to have a discussion on that proposition. Unless there is such a general desire, it is no use having a discussion at all. Therefore, I think the conditions which the Honourable the Home Member has laid down are not onerous at all, if there is a genuine attempt on the part of any group on this side of the House to have a serious discussion on the Report.

I do not understand my Honourable friend Mr. Rama Aiyangar when he says that Government should bring forward their definite conclusions on this report. That is not the suggestion which was just now made by my Honourable Leader, and I think my Honourable friend was wrong when he thought that Mr. Rangachariar's motion for adjournment had not the support of this side of the House.

The Rev. Dr. E. M. Macphail (Madras : European) : Sir, I simply wish to submit that the procedure we have been following is perhaps not so irregular as it seems to be to some Honourable Members. I was a Member of the House last Session and I remember being present at the general discussion upon the Budget and I think also upon the Railway Budget, and on those occasions Honourable Members had the opportunity of getting up and talking, if I may say so, at large. They were able to give their views upon the different points they were interested in even though there were no definite proposals placed before them. As I understand it, what has been done now is simply that the Honourable the Finance Member has given us all here an opportunity of doing what has already been described as airing our pet views upon the subject of taxation. Even my Honourable friend, Sir Hari Singh Gour, while deprecating doing so, took the opportunity of putting forward some of the views which he held.

My whole feeling with regard to what has been said by Honourable Members in opposition to discussing the matter until Government make proposals is that they rather remind me of a candidate who was being examined in a *viva voce* examination. When the examiner asked him what his views were upon a particular point, he said : " Sir, will you kindly state what your views are and I will tell you whether I agree with you or not." Now, I can quite understand that Honourable Members do not want to give themselves away. They do not want to tell Government what they really wish. What they want to do rather is to have the opportunity of criticising what the Government say. And consequently upon the present occasion, when we are voting upon this subject of adjourning the discussion, we should understand quite clearly that if we turn down this opportunity we shall not have another.

Mr. President : The original Resolution was :

" That this Assembly recommends to the Governor General in Council that he be pleased to take into consideration the Report of the Indian Taxation Enquiry Committee."

Since which the following amendment has been moved:

"That the further consideration of this Resolution be adjourned *sine die*."

The question I have to put is that that amendment be made.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Friday, the 20th August, 1926.

LEGISLATIVE ASSEMBLY.

Friday, 20th August, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

NUMBER OF MUSLIMS IN THE INDIAN TELEGRAPH DEPARTMENT.

138. ***Khan Bahadur W. M. Hussanally** : (a) Will Government be pleased to state the number of Muslims in the Indian Telegraph Department in or among :

1. Telegraph Engineering, Superior Service, namely, Directors, Divisional Engineers, etc.,
2. Assistant Engineers, Telegraphs,
3. Deputy Assistant Engineers, Telegraphs,
4. Engineering Supervisors, Telegraphs,
5. Assistant Engineers, Telephones,
6. Deputy Assistant Engineers, Telephones,
7. Engineering Supervisors, Telephones,
8. Assistant Electricians,
9. Deputy Assistant Electricians,
10. Electrical Supervisors,

and in the Traffic Branch of the Department, namely :

- (i) Superior Traffic Branch, 1st Division,
Superior Traffic Branch, 2nd Division,
- (ii) Deputy Superintendents, Telegraph,
- (iii) Telegraph Masters.
- (iv) Telegraphists ?

(b) How are appointments in the above Engineering and Traffic Branches made ? If by direct recruitment, do Government propose to enlist as many Muslims as possible, so that this community may be represented therein ; and if it is by promotion from among deserving Telegraphists, what steps have Government taken to promote deserving Muslims to the several grades of the Engineering and Traffic branches ?

(c) If the number of Muslims amongst Telegraphists is poor, do Government propose to issue orders forthwith to encourage the recruitment of Muslims as Telegraphists ?

The Honourable Sir Bhupendra Nath Mitra : The position as regards the employment of Muslims in the Telegraph Department is as follows :

Engineering Branch.

Superior Engineering Establishment	Nil
Assistant Engineers, General	Nil
Deputy Assistant Engineers General	One
Engineering Supervisors	Eight
Assistant Engineers, Telephones	Nil
Deputy Assistant Engineers, Telephones	Nil
Engineering Supervisors, Telephones	Two
Assistant Electricians	Nil
Deputy Assistant Electricians	Nil
Electrical Supervisors	One

Traffic Branch.

Superior Traffic Branch, 1st and 2nd Division	Nil
Deputy Superintendents	Nil
Telegraph Masters	Three
Telegraphists	Ninety-six.

(b) Recruitment to the Superior Engineering Branch in India is made partly from the Indian Engineering Colleges and partly by promotion of selected subordinates from the grades of Assistant and Deputy Assistant Engineers in the General, Telephone and Electrical Branches. Appointments in the grades of Assistant Engineers are made from the grades of Deputy Assistant Engineers of the respective Branches. The latter are selected from the cadre of Engineering Supervisors, who are recruited from the Signalling Establishment.

In the Traffic Branch promotions to the Superior Establishment, First and Second Division, are made from the ranks of selected Deputy Superintendents and Telegraph Masters in accordance with seniority. There is no direct recruitment to this Branch of the Service. Promotions to the Deputy Superintendents' grade are made from Telegraph Masters who are recommended for further advancement in the Department. Appointments to Telegraph Masters' grade are made from the ranks of Telegraphists who have passed the required test for promotion.

(c) As regards recruitment to the Telegraphists' grade the attention of the Honourable Member is drawn to part (c) of the answer given by me on the 12th March, 1925, to Question No. 242 by Mr. S. Sadiq Hassan.

GRANT OF COMPENSATORY ALLOWANCES TO EMPLOYEES OF THE GREAT INDIAN PENINSULA RAILWAY STATIONED AT BOMBAY, POONA, SHOLAPUR, ETC.

139. ***Dr. K. G. Lohokare :** 1. Will Government be pleased to say :

- (a) if they have been following the principle of providing some compensation or house rent allowance to their officers and other employees in addition to their usual scale of pay for service at particularly dear places and large towns ;

- (b) if the superior service officers and other employees of Railways in India are shown any such consideration for dearth of living or house rent, and if so, what Railways make such provision and for what services ; and
- (c) if Railways managed by Government generally follow the practice where Local Governments have adopted it and if the Railways managed by Companies follow this too ?

2. Will Government be pleased to say if—

- (a) the Great Indian Peninsula Railway have been making any such provision for their officers and other employees, and if so, for what class of officers and employees and at what places ?
- (b) the Great Indian Peninsula Railway employees at Poona, Bombay, Sholapur and other places where Local Government employees get such compensation, are in receipt of any such compensation or house rent, particularly those who are in receipt of the general scales of pay, and if not, what are the considerations for such treatment ?

Mr. A. A. L. Parsons : 1 (a), (b) and (c). The general principle followed by Government and the Companies Working State Railways is that compensatory or house-rent allowances are given to officers and other employees for service at particular stations where such are considered necessary. The special conditions at each station and the suitability of the existing rates of pay are taken into consideration in determining whether any allowances should be given and the rates at which they should be fixed.

Particulars of the allowances paid by each Railway will be found in the establishment rolls and working estimates of Railways, copies of which are in the library.

2. (a) and (b). The information asked for by the Honourable Member is being obtained and will be supplied to him.

HOURS OF WORK OF EMPLOYEES IN THE TRANSPORT AND COMMERCIAL DEPARTMENTS OF THE GREAT INDIAN PENINSULA RAILWAY AND THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

140. ***Dr. K. G. Lohokare :** (a) Will Government be pleased to state if it is a fact that on the Railways in India and particularly the Great Indian Peninsula Railway and the Madras and Southern Maharashtra Railway employees serving at the roadside as well as at large stations in the Transport and Commercial Departments have to work more than 8 hours per day, including Sundays too, without any overtime allowance ?

(b) If so, have Government any machinery for checking that the above Railways are not immune from the general principles of labour legislation as to the hours of work of their paid employees ?

Mr. A. A. L. Parsons : (a) and (b). On State Railways (including the Great Indian Peninsula and East Indian Railways) the working hours of all staff other than those employed in connection with the working of trains are limited to 60 hours per week. The same practice is observed on nearly all Companies Railways including the Madras and Southern

Mahratta Railway. The question of granting allowances for Sunday work is still under the consideration of the Government of India.

PRODUCTION TRIENNIALLY OF PHYSICAL FITNESS CERTIFICATES BY EMPLOYEES OF THE GREAT INDIAN PENINSULA RAILWAY.

141. ***Dr. K. G. Lohokare** : (a) Will Government be pleased to say if it is a fact that the Great Indian Peninsula Railway require physical fitness certificates from their employees every three years ?

(b) What are the Departments of the Railway to which this physical fitness rule is applicable ?

(c) What is the percentage of the number of the total strength of each Department invalidated out of service every year as a result of such repeated examinations ?

(d) Are the leave rules on the Great Indian Peninsula Railway the same as on other State Railways ? If not, what are the reasons leading to this differential treatment ?

Mr. A. A. L. Parsons : (a) and (d). I have examined the rules in force on the Great Indian Peninsula Railway. Employees are divided into three classes—(1) staff engaged on duties which are actively connected with the movement and control of trains or with the safety of persons travelling in those trains, (2) staff engaged on duties where the individual employee's own safety is concerned, and (3) others.

The rules require that classes (1) and (2) should be re-examined at the expiry of every three years of service for visual acuity, colour perception and hearing. It is further stipulated that men in class (1) must undergo this re-examination annually after attaining the age of 45. These rules, it will be observed, have been introduced in the interests of the safety of the public and of the employees themselves.

(c) Government have no information.

(d) All staff employed on the Great Indian Peninsula Railway before the Railway was transferred to State-management are still subject to the old leave rules of the Company.

Dr. K. G. Lohokare : May I know if the persons thus invalidated are provided for in any other department of the same Railway ?

Mr. A. A. L. Parsons : I am afraid I do not know. I imagine mostly not, for probably if there were appointments vacant in another department, the kind of duties would not be those which the employee could perform.

Dr. K. G. Lohokare : But where a man can be transferred from one kind of work to another is there any provision that such adjustment should be made ?

Mr. A. A. L. Parsons : I am sure the Agent would certainly do so in such a case.

ALLEGED FREQUENT DISMISSALS OF THEIR EMPLOYEES BY THE GREAT INDIAN PENINSULA RAILWAY.

142. ***Dr. K. G. Lohokare** : 1. (a) Will Government be pleased to say if it is a fact that the Great Indian Peninsula and the Bombay,

Baroda and Central India Railways require their employees to sign an agreement stipulating for termination of their service at any period with one month's notice ?

(b) What are the considerations that lead these administrations to lay down such a stipulation for their employees ?

(c) Are the Great Indian Peninsula Railway authorities using this stipulation for discontinuing the services of persons of long standing without any apparent reason, neither for retrenchment nor for gross negligence in work ?

(d) Were the services of Mr. Raghunath Damodar Dhlukhedkar, goods employee, Poona, terminated on the strength of this stipulation even though no agreement was signed by him ?

(e) Were there any remarks in his service book as to his past services justifying such action ?

(f) Are the Government aware that the number of such dismissals is a frequent occurrence on the Great Indian Peninsula Railway, especially in the Sholapur, Poona and Kalyan districts ?

(g) What is the number of such dismissals in these districts for the last three years ?

2. Will Government be pleased to say if they have seen the judgment of the Court of the First Class Sub-Judge of Nagpur in the case of Limaye vs. the Great Indian Peninsula Railway Company reported in the Great Indian Peninsula Railway Union Herald of the 1st December 1924, and if the stipulation in the agreement referred to in part 1 (a) above was used for the dismissal alleged in that case ?

Mr. A. A. L. Parsons : (a) and (b). All non-pensionable subordinate railway employees recruited in India are required to sign an agreement which provides for a month's notice of resignation or discharge on either side or pay in lieu of notice of discharge. The reason is that Railways are commercial undertakings and for successful working it is essential that the administrations should be in a position to terminate the services of any employee whose retention is not justified.

(c) to (g). Government have no information and do not propose to call for it. The matter is one within the competence of the Agent to decide.

2. I am sorry that I have not been able to trace the judgment referred to by the Honourable Member.

RESOLUTION REGARDING GRIEVANCES OF RAILWAY EMPLOYEES.

143. ***Dr. K. G. Lohokare :** Will Government be pleased to say what action they propose to take on the Resolution passed by this Assembly, requesting a Committee of Enquiry to report on the grievances of railway employees ? Do they intend to ignore the Resolution altogether ? If not, how do they propose to deal with the condition of the railway employees ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to starred question No. 336 asked by Mr. M. K. Acharya on the 1st September 1925.

Dr. K. G. Lohokare : Does that mean that the Resolution of the Assembly is to be completely ignored ?

Mr. A. A. L. Parsons : I have nothing to add to the answer which Sir Charles Innes gave to Mr. Acharya on that date.

Dr. K. G. Lohokare : But, as even after the debate in this House such cases have been happening, may I know from the Government whether they are going to take any steps in the matter ?

Mr. A. A. L. Parsons : The reply Sir Charles Innes gave was as follows :—

“ The Government of India are not in agreement with the Resolution referred to by the Honourable Member and do not propose to initiate the enquiry suggested in that Resolution. They have drawn the attention of Railway Administrations to the debates not only on the Resolution, but also on the Budget, and they have no doubt that any genuine grievances which exist will be remedied by the Railway Administrations concerned.”

Dr. K. G. Lohokare : May I know whether even after such steps are taken, cases have not arisen, where simply for the sake of reduction or for no excuse at all persons have been driven out of service on the pretext of this agreement for some other reasons ?

Mr. A. A. L. Parsons : I have nothing to add to what I have already said.

CONTRACTS FOR THE SUPPLY OF REFRESHMENTS ON THE BARSİ LIGHT RAILWAY.

144. ***Dr. K. G. Lohokare :** (a) Will Government be pleased to say if it is a fact that the Barsi Light Railway invited tenders as usual in 1925-1926 for the sale of refreshments, etc., at the railway stations and in trains ; and that large amounts were received for the contract ?

(b) What is the amount that they have been now charging for the right of selling eatables at their railway stations and in trains ?

(c) Do Government allow the Railway Administrations to invite tenders and receive large amounts for giving these contracts so as to derive benefit from the sale of food to passengers ?

Mr. A. A. L. Parsons : (a), (b) and (c). The Government have no information. The Barsi Light Railway is not a Government railway and matters of this kind are usually left to the Agent. The usual practice on Railways in India is to impose a small fee with a view to keeping the vendors under control. A copy of the question and answer will be sent to the Agent.

Dr. K. G. Lohokare : As regards (c), my direct question is, why do Government allow the Railway Administrations to do this ?

Mr. A. A. L. Parsons : Matters of this kind are usually left to the Agent.

Mr. N. M. Joshi : May I ask whether this is not a question of policy which the Railway Board itself should undertake ?

Mr. A. A. L. Parsons : Not in my opinion.

Mr. N. M. Joshi : The Railway Board allow the Railway to make money by offering tenders for contracts to supply refreshments ?

Mr. A. A. L. Parsons : We make no money from the Barsi Light Railway. It is not a Government Railway.

Dr. K. G. Lohokare : Is it a fact that the Railway have been making money ?

Mr. A. A. L. Parsons : I have no knowledge.

Mr. N. M. Joshi : Will the Government enquire ?

Mr. A. A. L. Parsons : No, Sir.

THE GOVERNMENT OF INDIA AND PUBLIC OPINION IN THE PROVINCES.

145. ***Mr. B. Das :** Will Government be pleased to state whether it is the policy of the Central Government to be in touch with the views of the people of the different Provinces, independently from those supplied by the Provincial Governments ?

The Honourable Sir Alexander Muddiman : The Central Government are interested in public opinion throughout India.

LIST OF NEWSPAPERS PUBLISHED IN THE DIFFERENT PROVINCES TO WHICH THE GOVERNMENT OF INDIA SUBSCRIBE.

146. ***Mr. B. Das :** (a) Will Government be pleased to state if they subscribe to the leading newspapers of the different Provinces to ascertain popular views in those Provinces ?

(b) Will Government be pleased to give a list of newspapers from the different Provinces to which they subscribe ?

The Honourable Sir Alexander Muddiman : (a) Government subscribe to a number of papers for the purpose of observing the views expressed therein.

(b) They do not think it necessary to publish a list of newspapers to which they subscribe.

LIST OF NEWSPAPERS PUBLISHED IN BIHAR AND ORISSA TO WHICH THE GOVERNMENT OF INDIA SUBSCRIBE.

147. ***Mr. B. Das :** (a) Will Government be pleased to state the names of the newspapers published in the Province of Bihar and Orissa to which they subscribe in order to ascertain the wishes of the people of Bihar and Orissa ?

(b) Is it not a fact that Government could not refer to copies of the *Searchlight*, a newspaper of the Province of Bihar and Orissa whenever Honourable Members from Bihar referred to any publication in that paper in their interpellations during the last Delhi Session ?

The Honourable Sir Alexander Muddiman : (a) I would refer the Honourable Member to the reply which I have just given to his previous question.

(b) I understand that on one occasion during the last Session it was stated that a particular issue of this newspaper was not available, though the Honourable Member himself made the statement that a copy is taken in the Library of the House.

HEAD CLERK OF THE IMPERIAL LIBRARY, CALCUTTA.

148. ***Syed Majid Baksh :** 1. (a) Will the Government be pleased to state whether the present Head Clerk of the Imperial Library, Calcutta, Babu Manindra Lal Bannerjee, held any other Government post before ? If so, what was the nature of the post ?

(b) Was he employed in the Calcutta University ? If so, was this before or after his employment under Government ?

(c) How did his employment under the Government terminate ?

(d) Is it a fact that a criminal case was instituted against the said gentleman in the 24-Parganas Criminal Court for defalcation of public money connected with the Flood Relief Fund ? If so, what was the amount involved ?

(e) How did the case terminate ? What was the reason for such termination ?

(f) Is it a fact that he submitted a medical certificate to the effect that he was suffering from phthisis ? If so was he still suffering from the disease when he got this second appointment under the Government ?

2. (a) Why was Mr. J. Bufford of the Imperial Library relieved of his post ? Was he dismissed or allowed to resign ?

(b) Is it a fact that the Head Clerk above referred to is also the Cashier of the Imperial Library ?

(c) Was the Government informed by the Librarian of the Imperial Library of the alleged conduct of the Head Clerk, Babu Manindra Lal Bannerjee, in connection with the Flood Relief Fund above referred to before he was placed in charge of the cash of the Imperial Library ? If not, was this a lapse of duty on the part of the Librarian ?

AGE AT WHICH THE HEAD CLERK OF THE IMPERIAL LIBRARY, CALCUTTA, WAS GIVEN HIS PRESENT APPOINTMENT.

149. ***Syed Majid Baksh :** (a) What was the age of the Head Clerk of the Imperial Library, Calcutta, Babu Manindra Lal Bannerjee, when he left his first Government appointment ?

(b) What was his age when he got his present appointment ?

(c) Was the question of age limit waived in this particular case, and if so, why ?

DISMISSAL OF CERTAIN EMPLOYEES OF THE IMPERIAL LIBRARY, CALCUTTA.

150. ***Syed Majid Baksh :** Why were Babus Suresh Chandra Nag, Asutosh Bosak and Hrishikesh Pal, employees in the Imperial Library, Calcutta, dismissed from their post ? What was the offence alleged against them ? Was any inquiry made into the charges against them ? If so, what was the result of the inquiry ? If no inquiry was made, why ?

FILLING UP OF VACANT APPOINTMENTS IN THE IMPERIAL LIBRARY, CALCUTTA BY HINDUS AND MUHAMMADANS.

151. ***Syed Majid Baksh :** (a) Since February 8th, 1926, how many posts by leave or otherwise have fallen vacant in the Imperial Library, Calcutta, in which the incumbents were (1) Hindus, and (2) Muhammadans ?

(b) Have these vacancies been filled up ? If so, by persons of which community ?

(c) How many new appointments have been made in the Imperial Library since February 8th, 1926, and how many of them have been filled by Hindus and Muhammadans ?

(d) Were those vacancies duly advertised in the newspapers ? If so, in which newspapers ? How many applications for the posts were received ?

Mr. J. W. Bhore : The information required is being collected and it will be furnished to the Honourable Member in due course.

PAY OF THE STAFF OF THE IMPERIAL LIBRARY, CALCUTTA.

152. ***Syed Majid Baksh :** (a) Are Government aware that in the Report of the Incheape Committee it has been pointed out that the pay of the staff of the Imperial Library is very poor in comparison with the pay of the Librarian ?

(b) If so, when do Government intend to raise the pay of the staff ?

Mr. J. W. Bhore : (a) As far as Government are aware no such comparison was made.

(b) Does not arise.

PERMANENT LOCATION OF THE GOVERNMENT OF INDIA OFFICES AT DELHI.

153. ***Dr. K. G. Lohokare :** Will the Government please state if they intend to locate some of their offices at Delhi permanently ? If so, which of them and from what date ?

The Honourable Sir Alexander Muddiman : Government have not arrived at any decisions in regard to the matter.

Dr. K. G. Lohokare : When is it expected that a decision will be arrived at ?

The Honourable Sir Alexander Muddiman : I should think, Sir, after we have had some experience of the cold weather in the new quarters.

REDUCTION OF THIRD CLASS FARES ON THE GREAT INDIAN PENINSULA RAILWAY, ETC.

154. ***Dr. K. G. Lohokare :** Will Government be pleased to say if they have considered the desirability after the discussion of the last budget session of further reducing the third class fares on the Great Indian Peninsula Railway for a distance of fifty miles and above and of introducing week-end third class tickets between large towns ?

Mr. A. A. L. Parsons : The desirability of reducing third class fares on shorter distances on the Great Indian Peninsula Railway was duly considered, but on financial grounds it was decided to make no immediate further reductions. It is hoped, however, to make further reductions as circumstances permit.

The question of the introduction of week-end third class tickets between large towns is a matter within the competence of the Agent of the Railway to whom the suggestion put forward in the Honourable Member's question will be communicated.

RECRUITMENT TO THE INDIAN MEDICAL SERVICE.

155. *Dr. K. G. Lohokare : Will Government be pleased to say if they have arrived at any decision regarding the question of recruitment to the Indian Medical Service by an open examination in England, and India ? If not, when do they expect to make an announcement on the matter ?

Mr. E. Burdon : The reply to the first part of the question is in the negative. As regards the second part, it is not possible now to say when an announcement can be made ; the matter will be considered in all its details as soon as the future organization of the Indian Medical Service has been finally settled.

Dr. K. G. Lohokare : How many years is it going to take ?

Mr. E. Burdon : I cannot say, Sir.

Dr. K. G. Lohokare : May I know if the Government of India will take steps to expedite the matter on their part ?

Mr. E. Burdon : The matter has been considered twice within the last few months ; but it has been found necessary, as I say, to wait till orders have been passed on the proposals for the reorganization of the Indian Medical Service which are now before the Secretary of State, but have only been before him for something under a month.

REVISED RULES FOR THE GRANT OF DISABILITY PENSIONS TO MILITARY SUB-ASSISTANT SURGEONS.

156. *Dr. K. G. Lohokare : Will Government be pleased to say if they have arrived at any decision regarding the revision of the rules relating to injury and invalid pensions of military Sub-Assistant Surgeons ? If not, how long will it take yet ? If any decision has been arrived at, from what date will it have a retrospective effect ?

Mr. E. Burdon : The revised rules for the grant of disability pensions to Military Sub-Assistant Surgeons of the Indian Medical Department are contained in Army Instruction (India) No. B.-204 of 1926, a copy of which will be found in the Library.

Dr. K. G. Lohokare : May I know if these orders are communicated to the various Controllers of Accounts ?

Mr. E. Burdon : They are issued specifically for the information of Controllers of Military Accounts.

Dr. K. G. Lohokare : May I know if they have taken action on these orders.

Mr. E. Burdon : I do not know myself.

Dr. K. G. Lohokare : Will Government kindly inquire ?

Mr. E. Burdon : No, Sir ; I do not think it is necessary to make any inquiry. It may safely be presumed that Controllers of Military Accounts are adjusting pensions where necessary in accordance with Army Instructions, India. That is their daily work.

Dr. K. G. Lohokare : Will they issue orders to see that the adjustments are properly made ?

Mr. E. Burdon : If my Honourable friend will bring to my notice any case in which these orders are not being applied I shall be glad to look into the matter ; but the presumption is that the Controller of Accounts is doing his daily work.

LEVY OF TERMINAL CHARGES ON GOODS BY THE GREAT INDIAN PENINSULA RAILWAY.

157. ***Dr. K. G. Lohokare :** (a) Will Government be pleased to say if the Great Indian Peninsula Railway charge on each consignment of goods any terminal charges in addition to the usual schedule charges ?

(b) If they are doing so, what is the purpose with which the terminal charges are levied ?

(c) Are consignments of full wagons charged this terminal tax ?

Mr. A. A. L. Parsons : (a) and (c). The Honourable Member is referred to Chapter I A of the Great Indian Peninsula Railway Goods Tariff, Part 1-A, in force from 1st May 1926.

(b) The Honourable Member is referred to section 3 (14) of the Indian Railways Act, 1890, where terminals are defined as including charges in respect of stations, sidings, wharves, depots, warehouses, cranes and other similar matters, and of any services rendered thereat.

Dr. K. G. Lohokare : I do not propose to put questions Nos. 158 and 159.

REVISED SCALE OF PAY OF SUB-ASSISTANT SURGEONS IN RAJPUTANA.

160. ***Dr. K. G. Lohokare :** (a) Is it a fact that the revised scales for the Subordinate Medical Services of other provinces in India lay down grades according to the length of service put in, while the Rajputana revised scale for the Subordinate Medical Service has only one grade ?

(b) Is it a fact that in fixing the initial salary according to the new Rajputana scale this one grade device has put a number of Subordinate Medical Service officers to a loss of all former service, while in other provinces their initial salary has been fixed according to the grade a subordinate was serving in, consequent upon the former service put in ?

(c) Is it a fact that for so long the Rajputana Subordinate Medical Service scale was almost the same as in the United Provinces, while in this new revision in the province under the Central Government a device has been adopted which would put the subordinates in the intermediate grades, to a substantial loss as compared with the United Provinces and other provincial scales ?

(d) Will Government be pleased to say if their attention has been drawn to this matter and with what result ?

PAY AND STATUS OF SUB-ASSISTANT SURGEONS IN RAJPUTANA.

162. ***Rai Sahib M. Harbilas Sarda :** (a) Is it a fact that the pay and status of the Sub-Assistant Surgeons of Rajputana including Ajmer-Merwara have been regulated according to the United Provinces scale since the establishment of the Medical Department in that Province ?

(b) Is it also a fact that when the Sub-Assistant Surgeons of the United Provinces applied for increase of pay, and the Sub-Assistant Surgeons of Rajputana also did the same in 1921, the latter were informed by the Chief Medical Officer in Rajputana that they would be given the increment when it was sanctioned in the United Provinces ?

(c) Have the Government of India declined now to regulate the pay of the Rajputana Sub-Assistant Surgeons according to the United Provinces' scale ? If so, are there any reasons for it ? When the increment in the pay of the Sub-Assistant Surgeons of the United Provinces has been sanctioned from 1922, why has the increment in the pay of the Sub-Assistant Surgeons of Rajputana been sanctioned from 1923 only and not from 1922 ?

REVISED SCALES OF PAY OF SUB-ASSISTANT SURGEONS IN RAJPUTANA.

163. *Rai Sahib M. Harbilas Sarda : (a) Are Government aware that grave injustice has been caused to the Sub-Assistant Surgeons of Rajputana of the 1st, 2nd and 3rd grades by giving the scheme of revision of pay, retrospective effect from 1923 instead of from 1922, as has been done in the United Provinces owing to the fact that the Fundamental Rules which came into force in 1923 places a serious bar in the way of the Sub-Assistant Surgeons of Rajputana while it did not in the case of the Sub-Assistant Surgeons of the United Provinces ?

(b) Is it a fact that Government have declined to allow the Sub-Assistant Surgeons of Rajputana to count their past services for their initial pay according to the new scale solely on the ground that the gain to the individual by so doing would range from 80 to 100 per cent. when the Government in the United Provinces have, by allowing the introduction of the scheme from 1922, allowed the Sub-Assistant Surgeons of the 1st, 2nd, and 3rd grades in the United Provinces the maximum increment of 100 per cent., 92 per cent. and 80 per cent. respectively ?

AVERAGE PROMOTION OF SUB-ASSISTANT SURGEONS IN THE UNITED PROVINCES AND RAJPUTANA RESPECTIVELY.

164. *Rai Sahib M. Harbilas Sarda : Are Government aware that the average promotion of Sub-Assistant Surgeons, 1st grade, in the United Provinces is 94 per cent., while that of the Sub-Assistant Surgeons, 1st grade, in Rajputana is only 6 per cent.; and of the Sub-Assistant Surgeons, 2nd grade, in the United Provinces is 85 per cent., while in the case of Sub-Assistant Surgeons 2nd grade, in Rajputana it is only 7 per cent.; and of Sub-Assistant Surgeons of the 3rd grade in the United Provinces is 75 per cent.; while in the case of Sub-Assistant Surgeons of the 3rd grade in Rajputana it is 17 per cent. only ?

PAY OF SUB-ASSISTANT SURGEONS IN RAJPUTANA.

165. *Rai Sahib M. Harbilas Sarda : (a) Will the Government of India be pleased to state why the permanent past services of the Sub-Assistant Surgeons of Rajputana are not taken into consideration for initial pay as has been done in the case of the United Provinces Sub-Assistant Surgeons ?

(b) Are Government aware that by their present action the Government are placing in the matter of pay, Sub-Assistant Surgeons of three years' service on the same footing with the Sub-Assistant Surgeons of 23 years' service? Do Government intend to give the same pay to Sub-Assistant Surgeons with 23 years' service as those with 3 years' service only?

Sir Denys Bray : With your permission, Sir, I will answer questions Nos. 160 and 162 to 165 together.

Government have no definite information regarding the revised scales of pay of Sub-Assistant Surgeons in the various Provinces, or the method by which the initial pay was fixed or the average percentage increases. In Rajputana on the recommendation of the Local Administration, Government sanctioned in 1925 the adoption with retrospective effect from the 1st April 1923, of the new time-scale introduced by the United Provinces Government in 1922, the United Provinces rates having been generally followed hitherto. The Local Administration had recommended that past permanent service should be taken into account on fixing the initial pay as in the United Provinces, but on this basis the individual gain in most cases would have ranged from 80 per cent. to 100 per cent., sometimes even more. Government did not see their way to accept a proposal which involved considerable extra expenditure with such surprising results, and the officers were brought on to the time-scale at a stage next above their former pay in accordance with Fundamental Rule 22. This gave them an immediate increase of from 4 to 40 per cent. The Local Administration pressed for a reconsideration, but Government were unable to revise their decision, more especially as a very material and unusual concession had been given in the shape of a long retrospective effect.

As a result of the application of Fundamental Rule 22, one Sub-Assistant Surgeon, with about 23 years' service but still in the 3rd grade drawing Rs. 60, had his pay raised to Rs. 70. As this is the minimum under the new scale, there are naturally several very junior men drawing the same amount. But it is clearly impossible to lay down a rule which will cover all cases and benefit every individual to the same extent.

Dr. K. G. Lohokare : May I know if these persons, when they were entertained in service, were given to understand that they would be given the same scale as obtained in the United Provinces?

Sir Denys Bray : I do not know, Sir, but I doubt it.

Dr. K. G. Lohokare : If that was the understanding will Government kindly say if this understanding is carried out?

Sir Denys Bray : If that was so, no doubt the Government will see that it is carried out.

EXPENDITURE ON THE VARIOUS FORMS OF EDUCATION IN THE AREAS UNDER THE DIRECT CONTROL OF THE GOVERNMENT OF INDIA.

161. ***Mr. N. M. Joshi** : Will the Government of India be pleased to furnish a statement showing what they spend on primary education as against what they spend on higher and secondary education in each of the units of the territories directly managed by them, and state also

the total amount spent on primary education as compared to secondary and higher education together in the whole area directly managed by them ?

Mr. J. W. Bhoré : A statement, giving the information required by the Honourable Member together with certain other relevant particulars, is laid on the table. The details in respect of the total expenditure of Rs. 29,150 on education in the Andaman and Nicobar Islands are not yet available and will be supplied to the Honourable Member later.

Budget Estimate for Expenditure on Education during 1926-27.

Territory.	Expenditure on—					Total expenditure on Education.
	University and Collegiate Education.	Secondary Education †	Primary Education	Special Schools.	Direction, Inspection and Miscellaneous. ‡	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. North West Frontier Province.	1,78,200	3,74,000	6,39,000	7,000	1,51,800	13,50,000
2. Baluchistan ..	..	1,25,440	80,800	11,980	50,600	2,69,000
3. Delhi* ..	1,73,600	2,92,400	93,500	15,200	45,800	6,20,500
4. Ajmer-Merwara ..	68,330	1,31,090	46,000	14,980	32,010	2,92,500
5. Bangalore* ..	10,000	1,66,100	67,700	23,130	46,070	3,13,000
6. Rajputana* ..	67,820	28,220	560	..	300	96,900
7. Central India* ..	50,000	20,060	22,840	..	6,100	99,000
8. Hyderabad* ..	..	8,700	7,180	1,020	2,200	19,100
9. Andaman and Nicobar Islands.	Details not yet available					29,150
Totals ..	5,47,950	11,46,010	9,57,760	73,310	3,34,970	30,89,150
	16,93,960					

*Mostly urban areas where institutions for higher education are concentrated.

†This includes expenditure on middle vernacular schools, which are classed as primary in the Bombay Presidency, and also that on the primary departments of the secondary schools which cannot be shown separately.

‡Includes expenditure incurred on behalf of primary education.

Note.—Educational expenditure in politically administered areas is not included in this statement.

REFUSAL OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY AUTHORITIES TO SUPPLY ELECTRICITY FROM THEIR POWER HOUSE AT AJMER TO THE DAYANAND ASHRAM.

166. ***Rai Sahib M. Harbilas Sarda :** (a) Are Government aware of the fact that the Bombay, Baroda and Central India Railway Company has got a big Power House at Ajmer and supplies electricity to its workshop, and bungalows erected for its officers ?

(b) Is it a fact that it gives electricity not only to all Government buildings but also to the Imperial Bank, private owned houses attached to the Mayo College and to private persons such as St. Anslem's Church and Printing Press, the Roman Catholic Girl Schools, and to the houses owned by persons who were or are in the service of the Bombay, Baroda and Central India Railway ?

(c) Is it a fact that the supply of electric lights has been refused to the Dayanand Ashram which is a public charitable institution, in which there is a free public library and reading room, a printing press for publishing cheap religious literature, an orphanage, and a High School, which receives a grant-in-aid from Government and the said Railway ? If so what are the grounds on which other institutions such as St. Anslem's Church and Printing Press which are situated near the above-mentioned Dayanand Ashram and stand on the same footing as the said Ashram are supplied electricity by the railway authorities, while the same facility is denied to the Dayanand Ashram ?

The Honourable Sir Charles Innes : (a) Yes. The Power House is intended for the supply of energy to railway premises.

(b) and (c). The supply of electric energy from railway power houses to other than railway undertakings may on occasion interfere with private enterprise, and for this reason the Government of India are not, as a general rule, in favour of it. They placed their views before the Agent of the Bombay, Baroda and Central India Railway in December 1924, and understand that after this date the Agent has refused all applications for the supply of electric energy from the power house except to certain Government or quasi-Government buildings, where the application had the support of the Agent to the Governor General in Rajputana and the supply could be given from the limited surplus energy available. But I understand that before December 1924 the Agent had already undertaken to supply certain non-railway premises, including presumably those mentioned by the Honourable Member.

CONGESTION IN THE PRINCIPAL HALL OF THE COIMBATORE HEAD POST OFFICE.

167. ***Mr. N. M. Joshi :** (a) Will the Government be pleased to state if any representation was received by the Postmaster-General, Madras complaining of congestion in the principal hall of the Coimbatore Head Post Office ? If so, what action was taken thereon ?

(b) Has the congestion now been removed ? If not, what steps do the Government propose to take in the matter ?

(c) Is it a fact that the Postmaster General, Madras wrote to the General Secretary of the Madras Circle Postal Association, Madras in February this year that the congestion was already removed ? If so, on whose report was that communication based ?

Sir Ganendra Roy : (a) and (b). Yes. The Divisional Superintendent was addressed and steps were taken to remove the almirahs from the main hall of the office and to rearrange the office so as to relieve congestion as far as practicable. The Postmaster General proposes to have a better designed public counter constructed. This will further relieve any congestion which may still exist.

(c) Yes. The reply was based on the Superintendent's report.

REDUCTION OF WORK IN POST OFFICES ON SUNDAYS AND HOLIDAYS.

168. *Mr. N. M. Joshi : (a) With reference to the Government statement on item 3 (b) of the grievances placed before them by the Deputation of the All-India Postal and R. M. S. Union in March 1925, will the Government be pleased to state if investigations were made as to how far work in Post Offices on Sundays and holidays could be reduced to a minimum ? If so, with what result ?

(b) When will the allowances proposed by the Director General of Posts and Telegraphs in his communication No. C.B.-94/25, dated the 29th May 1925 to Heads of Circles be sanctioned for the postal staff ?

The Honourable Sir Bhupendra Nath Mitra : (a) I understand that the investigations are still in progress.

(b) The Government of India have received no proposals on the subject of any allowances.

REPOSTING OF POSTAL OFFICIALS TO UNHEALTHY LOCALITIES AND FRONTIER SECTIONS IN WHICH THEY HAVE ALREADY SERVED.

169. *Mr. N. M. Joshi : With reference to the Government statement on item 25 of the grievances placed before them by the Deputation of the All-India Postal and R. M. S. Union in March 1925, are the Government prepared to cause instructions to be issued to the Postal Officers concerned not to post officials who have already served in notoriously unhealthy localities and frontier sections for the prescribed periods of 12 months and 2 years respectively, to those places again against the will of those officials ?

The Honourable Sir Bhupendra Nath Mitra : The Government of India will ask the Director-General, Posts and Telegraphs, to consider the question and if practicable to issue supplementary orders to Heads of Circles to the effect desired by the Honourable Member. It must however be realised that in order to carry on the postal administration it may not be possible to give the officials concerned any guarantee.

DEPARTMENTAL EXAMINATION FOR POSTAL INSPECTORSHIPS.

170. *Mr. N. M. Joshi : (a) Is it a fact that the departmental examination for Postal Inspectorships is open to all the postal employees of the clerical cadre in the Bombay Circle ?

(b) If so, when do the Government propose to extend the benefit to other Postal Circles ; if not, why not ?

Sir Ganendra Roy : (a) Yes.

(b) The Head of each postal circle has discretion to conduct the examination in a manner which he considers suitable for his circle. The system introduced in the Bombay Circle was brought to the notice of the Heads of other postal circles several of whom have already adopted it.

PAYMENT BY CLERKS OF THE NILGIRIS POSTAL DIVISION PROCEEDING ON CASUAL LEAVE OR TRANSFER OF THE TRAVELLING ALLOWANCES OF RELIEVING OFFICERS.

171. *Mr. N. M. Joshi : (a) Are Government aware that the present Superintendent of the Nilgiris Postal Division has ordered, in certain

cases, that the officials proceeding on casual leave or on transfer to other places in the division at their own request, should meet the travelling allowances of the relieving officials; and if not, do the Government propose to call for a statement of such cases?

(b) Is the procedure of that Superintendent authorised by the rules of the Department; and if not, are the Government prepared to direct the refund of amounts, if any, paid by the officials consequent upon such orders of the Superintendent?

Sir Ganendra Roy : (a) No such order was issued by the Superintendent. Only one clerk while on leave was transferred at his own request and he himself offered to pay the travelling allowance of the relieved official amounting to Rs. 10-8-0.

(b) The question does not arise.

CASE OF MR. NARAYAN RAO, A CLERK IN THE NILGIRIS POSTAL DIVISION.

172. ***Mr. N. M. Joshi :** (a) Will the Government be pleased to state if it is a fact that the Financial Adviser of Posts and Telegraphs, in his communication No. 10-P.T., dated the 29th April 1924 allowed Mr. Narayan Rao, a postal clerk in the Nilgiris Division, to count the whole of his officiating service of over 3½ years towards increments in the clerical time-scale?

(b) Did the Director General of Posts and Telegraphs subsequently decide that Mr. Narayan Rao should be allowed the benefit of his officiating service only from the 4th September 1910, stating that the period spent by the official in the Telegraph Training Class could not be verified?

(c) Is it the intention of the Government that if records to verify the period spent by an official in undergoing telegraph training are not available in the Training Class or with the Department, the official has to lose his officiating services?

(d) Are Government prepared to consider favourably the case of Mr. Narayan Rao?

Sir Ganendra Roy : (a) Yes, but the orders were subsequently cancelled by the Government of India as they were based on defective information.

(b) Yes, because the audit authorities would not allow his previous service to count under the rules in force in the absence of a proper verification of the service claimed.

(c) If there is no record available to prove an official's claim to a particular period of service, the audit authorities will obviously not admit that period of service. The service referred to is not officiating but unpaid service.

(d) The official's case will now be dealt with in accordance with certain proposals of Government which have recently received the concurrence of the Standing Finance Committee.

RECRUITMENT OF SEAMEN IN BOMBAY THROUGH A GOVERNMENT OFFICER.

173. *Mr. N. M. Joshi : Will the Government of India be pleased to state when they propose to introduce in the Port of Bombay the system of recruiting seamen through a Government officer instead of through licensed brokers ?

Mr. A. A. L. Parsons : Sir, in the absence of the Honourable the Commerce Member, who is engaged elsewhere, I wish to answer this question.

As was explained to the Honourable Member in reply to a question asked by him on the 8th March 1924 and again on the 14th of that month in connection with the debate on the "Ports and Pilotage" budget estimates for 1925-26, the Government of India have decided to tackle the question of seamen's recruitment at Calcutta before they consider the question of making any changes at Bombay. An officer with experience of the mercantile marine was appointed Shipping Master at Calcutta in December 1924.

Mr. N. M. Joshi : May I ask whether the experience of nearly two years is not sufficient now to enable them to introduce that system in Bombay ?

Mr. A. A. L. Parsons : I am afraid I cannot answer definitely. I presume not.

STATUS OF SUBORDINATE JUDGES.

174. *Pandit Shamlal Nehru : (a) Is it a fact that the Subordinate Judge has been classified as an inferior officer ?

(b) If so, will the Government be pleased to state on what principle ?

The Honourable Sir Alexander Muddiman : With your permission, Sir, I propose to answer together questions Nos. 174 and 176. The quotation from the Civil Justice Committee's Report is accurate ; but the Committee added that the correspondence was not exact. With reference to the classification of Subordinate Judges, I do not know if the Honourable Member is referring to the fact that Subordinate Judges belong to a provincial service. If so, I must remind him that provincial services are expected to perform important functions.

Diwan Bahadur T. Rangachariar : May I ask if there is really any such classification of Subordinate Judges as inferior officers ?

The Honourable Sir Alexander Muddiman : I think not, Sir.

CLASSIFICATION OF THE SERVICES IN INDIA AS SUPERIOR AND INFERIOR.

175. *Pandit Shamlal Nehru : (a) Have the Government of India accepted the principle laid down by the Royal Public Services Commission for the classification of Services in India into superior and inferior ?

(b) If not, have they adopted any other definite principle and will the Government be pleased to state it ?

The Honourable Sir Alexander Muddiman : (a) and (b). No principle of classification was laid down by the Royal Commission which reported in 1924. If the Honourable Member refers to paragraph 97(i) of the Islington Commission's Report of 1915, I would invite his attention to part 1 (a) of my reply to a similar question put by Baboo Runglal Jajodia on the 21st January 1926.

STATUS OF SUBORDINATE JUDGES.

†176. ***Pandit Sham Lal Nehru :** 1. Are the Government aware that the Subordinate Judge or first class Subordinate Judge in India has been described by the Civil Justice Committee to "correspond, as a trial judge, not to the English County Court Judge but to the Judge of the High Court" ?

2. Will the Government be pleased to state the principle upon which the Subordinate Judge has been classified as an inferior officer ?

AUTHORITY OF THE PUBLIC SERVICE COMMISSION TO DEAL WITH QUESTIONS RELATING TO THE CLASSIFICATION OF SERVICES.

177. ***Pandit Sham Lal Nehru :** Will the Public Services Commission (permanent) have the authority to deal with the question, upon a representation of the Service concerned, whether a particular service has been wrongly classified in disregard to the express principle of the present reorganisation of the Services in India ?

The Honourable Sir Alexander Muddiman : I am unable to give a definite reply as the rules relating to the functions of the Public Service Commission are still under consideration.

UNSTARRED QUESTIONS AND ANSWERS.

INSTALLATION OF ELECTRIC LIGHTS AND FANS IN CERTAIN GOVERNMENT BUILDINGS IN AJMER-MERWARA.

31. **Rai Sahib M. Harbilas Sarda :** Are Government aware that while Government have sanctioned the fitting up of electric lights and fans for the residences of officers of the Ajmer-Merwara administration, belonging to private persons, it has declined to sanction the same for the houses owned by Government and occupied by other officers such as the Assistant Commissioner and the Executive Engineer ? If the object is to save Government the cost of such fitting up, will Government be pleased to state the amount thus saved ?

Sir Denys Bray : The Honourable Member is under a misapprehension. The fitting of electric lights and fans in residences owned by private persons and occupied by officers of the Ajmer-Merwara Administration was carried out by the owners of the houses, and Government sanction for installation of such fittings was not given nor was it required.

A proposal to provide electric lights and fans in certain residential and non-residential buildings belonging to Government has been received from the Ajmer-Merwara Administration and considered by Government. It includes the provision of electric lights and fans in the residences occupied by the Assistant Commissioner, Executive Engineer and other officials.

†For answer to this Question see Answer to Question No. 174.

The proposal has been administratively approved by Government, but, owing to other competing demands, it has not been possible to allot funds for the work during the current financial year. The Ajmer-Merwara Administration has been requested to include the work in its budget estimates for the ensuing year. The actual provision of funds will however depend on the relative urgency of the work in comparison with other projects.

PUBLICATION OF THE CORRESPONDENCE RELATING TO THE PROPOSED TRANSFER OF SYLHET TO BENGAL.

32. Mr. Kamini Kumar Chanda : Will the Government please place on the table the despatch or despatches which the Government of India sent to the Secretary of State for India in Council and his replies thereto on the question of the proposed transfer of the Sylhet District to Bengal ?

The Honourable Sir Alexander Muddiman : The Government of India do not propose to publish the correspondence.

GRANT OF AN INCREASE OF PAY TO POSTAL OFFICIALS OF THE CLERICAL CLASS STATIONED AT OR IN THE VICINITY OF BOMBAY.

33. Mr. N. M. Dumasia : (a) Will Government be pleased to state whether it is a fact that in view of the high cost of living and of the high house rent prevailing in the City of Bombay the Government of Bombay were pleased to sanction with effect from the 1st April 1923, a certain rate of allowance to its servants stationed in Bombay who drew the same scale of pay as their colleagues in the mofussil ?

(b) Is it a fact that the Government of India in October 1924 were pleased to extend this relief to the gazetted officers of the Department of Posts and Telegraphs at Bombay with retrospective effect from the 1st April 1924 ?

(c) Is it also a fact that under the above circumstances with a view to give relief to the clerical establishment of the Postal Department at Bombay an increase of pay was sanctioned with effect from March 1925 ?

(d) Is it a fact that about a hundred non-gazetted postal officials in the selection grades of Bombay have not yet been given any relief ?

(e) Have Government received memorials and telegrams on the subject from time to time ?

(f) Is it a fact that they have been strongly recommended for the relief by their heads ?

(g) Will Government be pleased to state why no relief has yet been given to them, and whether they will now give an assurance of immediate relief being given to them ?

The Honourable Sir Bhupendra Nath Mitra : (a) Compensatory allowances were sanctioned with effect from the 1st March 1923 by the Government of Bombay for certain gazetted officers paid from provincial revenues on scales of pay fixed without special reference to the high cost of living in Bombay.

(b) Compensatory allowances were sanctioned by the Government of India with effect from the 1st April 1924 for officers of the Central Government serving in Bombay on all-India rates of pay, but these allowances were not based on those sanctioned by the Government of Bombay.

(c) With effect from the 1st March, 1925, the Government of India sanctioned an increase in the pay of officials of the clerical class in the ordinary time-scales stationed at or in the vicinity of Bombay. This increase was sanctioned because the pre-existing scales did not make sufficient allowance for the high cost of living in Bombay.

(d), (e) and (f). Yes.

(g) The matter is under the consideration of the Government of India.

PROVISION OF GARDENS FOR INDIAN CHILDREN AT RAISINA.

34. **Maulvi Muhammad Yakub :** (a) Is it a fact that there is a garden for children at Raisina near the European quarters but none in the vicinity of the quarters for Indian clerks ?

(b) Do the Government propose to set apart the two plots of land near the Boys' Primary School for gardens for Indian children ?

The Honourable Sir Bhupendra Nath Mitra : (a) The answer is in the negative.

(b) The two plots of land in question are intended as playgrounds for the Boys' and Girls' Primary Schools.

PROVISION OF BATHING FACILITIES FOR INDIANS IN THE UNFILTERED WATER TANKS NEAR RIDGE ROAD AT RAISINA.

35. **Maulvi Muhammad Yakub :** (a) Is it a fact that Europeans are allowed to bathe in the unfiltered water tanks near the Ridge Road at Raisina and that it is not open for baths to Indian gentlemen ?

(b) If so, when do the Government propose to remove this distinction ?

The Honourable Sir Bhupendra Nath Mitra : (a) No such distinction has been made.

(b) Does not arise.

DIRTY CONDITION OF THE ROAD LEADING FROM PAHARGANJ TO IBBETSON ROAD IN RAISINA.

36. **Maulvi Muhammad Yakub :** (a) Are the Government aware that the road leading from Paharganj to Ibbetson Road in Raisina is always in a very broken and dirty condition and that it remains covered with rain and drain water throughout the winter ?

(b) Do the Government propose to take any action against the authorities responsible for its upkeep ?

The Honourable Sir Bhupendra Nath Mitra : (a) The condition of the road which connects the Paharganj Bazaar with Ibbetson Road is receiving the attention of Government.

(b) No. I would refer the Honourable Member in this connection to the reply given to question No. 171 in the Council of State on the 24th March 1924.

NUMBER OF CANDIDATES ON THE WAITING LIST FOR APPOINTMENT TO THE
INDIAN ARMY SERVICE CORPS OF CLERKS.

37. **Maulvi Muhammad Yakub :** (a) Will the Government please state how many passed and qualified candidates for the Indian Army Service Corps of clerks were on the waiting list in the first week of May 1926 before the result of the examination held in March was declared ?

(b) Will the Government state the number of candidates who passed in May 1926 ?

(c) How many candidates have been appointed after the first week of May 1926 and how many remain to be provided ?

(d) Is it a fact that the number of candidates now on the waiting list is sufficient to meet the requirements for some years to come ? If not, when are all of them likely to be appointed ?

(e) Is it also a fact that another examination has been announced to be held in September 1926 ? If so, what is the object and necessity of this examination if there is already a sufficient number of waiting candidates ?

(f) Is it also a fact that the candidates concerned have not been informed of their position on the waiting list ?

Mr. E. Burdon : (a) There were no qualified candidates on the waiting list.

(b) and (c). The number who qualified in the March examination was 162, of whom 26 were offered appointments. I may add that four out of the 26 refused appointments and that another four are being considered.

(d) The answer is in the negative. I should explain that the examination is a competitive one and that a standard of qualification is set. No post would be offered if a candidate did not reach that standard. Of the candidates who qualify, those obtaining the greatest number of marks are offered appointments. The others will have to compete again, if they wish to enter the corps of clerks.

(e) Yes. Fresh examinations are necessary in order to keep up the standard required.

(f) In future, all candidates will be informed at once if they have passed or failed, and qualified candidates will be informed of their place on the qualified list and told that if they are not offered appointments within a specified time, they should consider themselves as having failed also.

THE CODE OF CRIMINAL PROCEDURE (THIRD AMENDMENT)
BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose.

The object of the Bill I now seek leave to introduce is clearly stated in the Statement of Objects and Reasons, but I should like to add one

or two words to explain the position of Government. The Government of India in the course of a general examination of the possibilities of ameliorating communal tension took up the question of the sufficiency of the existing law to deal with one danger, namely, the circulation of pamphlets or newspaper articles tending to promote mutual feelings of hostility between the communities. It is undoubted that such writings are often a direct cause of outbursts of violence. As the law stands at present, it is possible under section 108 of the Criminal Procedure Code to proceed against those who disseminate by speech or writing communal incitements of this nature. This enables speakers to be dealt with and also those persons who are engaged in the publication and distribution of leaflets. Under section 153A of the Indian Penal Code, it is possible to take more severe action in the way of prosecution of important persons, but while these sections of the Criminal Procedure Code and the Indian Penal Code enable proceedings to be taken against individuals, there are no effective powers to search for and confiscate copies of newspapers or leaflets which contain matter offending against section 153A of the Indian Penal Code. Now, that is a very serious defect in the law indeed. The absence of these powers is a very serious handicap for the Government in preventing incitements to communal feeling, and the Bill I ask leave to introduce so amends section 99A of the Criminal Procedure Code as to give powers to search and confiscate all matter punishable under section 153A as well as, as at present provided by that section, matter punishable under section 124A of the Indian Penal Code. I am sure I need not say more at this juncture. When this House has so recently seen the long list of communal outbursts which I laid on the table in answer to a question by my Honourable friend opposite, I am sure they will give me leave to introduce this Bill.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : May I just inquire of the Honourable the Home Member if he has taken the usual course of consulting the Local Governments and the public generally before introducing this Bill ?

The Honourable Sir Alexander Muddiman : I have certainly not consulted the public generally, but the Government of India a few months ago addressed the Local Governments generally on this question, and these proposals form part of the general correspondence with the Local Governments on the question of what can be done to alleviate and prevent these unhappy communal troubles.

Sir Hari Singh Gour : May I beg to inquire, Sir, if that correspondence will be available to the Members of this House ?

The Honourable Sir Alexander Muddiman : No, Sir, I am not prepared to lay that correspondence on the table, because it contains a great many matters. This is a very simple Bill. My proposal stands on its merits.

Sir Hari Singh Gour : Could the Honourable Member give an assurance that he will be able to give extracts relevant to the present Bill ?

The Honourable Sir Alexander Muddiman : In the course of my speech at a future stage on this Bill, I shall no doubt refer to the opinions that have been given by Local Governments.

Sir Hari Singh Gour : That is not the question I asked, Sir. My question is a very simple one. Will the Honourable the Home Member give the Members of this House an opportunity to read extracts from the opinions received by the Home Department relevant to this particular Bill ?

The Honourable Sir Alexander Muddiman : I have already said, Sir, that this proposal emanates from the general correspondence which deals with a great many matters besides this very simple Bill. I am not prepared to attempt to separate from the context the opinions of the Local Governments, nor, if I did so, would it be of any great use to this House.

Sir Hari Singh Gour : May I then know, Sir, if it is the intention of the Honourable the Home Member to circulate this Bill for eliciting public opinion thereon ?

The Honourable Sir Alexander Muddiman : No, Sir. I consider, Sir, that the state of communal feeling is so serious at present that I propose to ask this House to take this Bill into consideration at the earliest possible opportunity, and I am sure I shall have the support of all sides of the House in this matter. (Applause.)

Mr. President : The question is :

“ That leave be given to introduce a Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose.”

The motion was adopted.

The Honourable Sir Alexander Muddiman : Sir, I introduce the Bill.

The Assembly then adjourned till Two of the Clock on Monday, the 23rd August, 1926.

LEGISLATIVE ASSEMBLY.

Monday, 23rd August, 1936.

The Assembly met in the Assembly Chamber at Two of the Clock, Mr. President in the Chair.

MEMBER SWORN.

Maulvi Mohammad Shafee (Tirhut Division : Muhammadan).

QUESTIONS AND ANSWERS.

TOTAL LOSS SUSTAINED BY THE ARMY CANTEEN BOARD (INDIA) SINCE ITS ESTABLISHMENT.

178. ***Raja Ghazanfar Ali Khan :** (a) Will the Government be pleased to state what is the total loss sustained by the Army Canteen Board (India) since it was first established, and from what fund this loss is going to be met ?

(b) If the loss incurred by the Army Canteen Board (India) has to be paid out of the tax-payers' money, why was this House not consulted before the introduction of this system ?

(c) Are the Government prepared to give an undertaking that before they inaugurate any new scheme about the canteen system they will lay their proposals before this House for opinion ?

(d) Do the Government undertake not to introduce any canteen scheme in this country in future, unless it is desired and approved by the persons directly concerned with it ?

Mr. E. Burdon : (a) The most recent information in regard to this will be found in the report of the committee of inquiry which was appointed by the Government of India to investigate the affairs of the Army Canteen Board. This report was published on the 8th May 1926, and no later figures are available which are fully authenticated. Any loss sustained by the Army Canteen Board will, as has been stated before, fall upon public funds.

(b) All the preliminary work connected with the establishment of the Board had been finished and the scheme had been approved in principle before the Legislative Assembly came into existence. In the circumstances it was not considered necessary to defer action.

(c) No, Sir. If the Honourable Member desires that the matter should be discussed, the procedure of the House is open to him ; and I may observe that notice of Resolutions on the subject have already been received from three Honourable Members.

(d) Government are not prepared to give an undertaking of the character asked for in this question : they must reserve a certain discretion to themselves.

**PURCHASE OF THE STOCKS OF THE ARMY CANTEN BOARD (INDIA) BY THE
NAVY, ARMY AND AIR FORCE INSTITUTE.**

179. ***Raja Ghazanfar Ali Khan :** (a) Will the Government be pleased to state whether the Navy, Army and Air Force Institute has offered to take over the Army Canteen Board (India) stocks, and if so, whether at cost price, or at a reduction, or at present market rates ? If at a reduced rate, on what percentage is this reduction based ?

(b) Will the Government be pleased to state if the Army Headquarters has invited the opinions of Commanding Officers of British units serving in India as to which system they consider more advantageous and beneficial to the troops, and if so will they please lay on the table their replies ?

Mr. E. Burdon : (a) Government are not prepared to give any information on this subject. There are other competitors in the field, and it would not be justifiable for Government to do anything which might hamper the Army Canteen Board in disposing of their assets to the best advantage.

(b) Commanding Officers of British units have been consulted. Their replies contain matter of a confidential nature, and apart from this, Government do not consider the subject to be one of sufficient general interest or public importance to warrant the papers being laid upon the table. For the information of the Honourable Member, however, I may say that, while a considerable number of Commanding Officers favour the introduction of the Navy, Army and Air Force Institute, the majority express a preference for the tenant system. The continuance of the Army Canteen Board, India, is not recommended. Nearly all Commanding Officers express their readiness to support the Navy, Army and Air Force Institute should that organisation undertake the canteen service in India.

**CATERING FOR BRITISH TROOPS BY THE NAVY, ARMY AND AIR FORCE
INSTITUTE.**

180. ***Raja Ghazanfar Ali Khan :** Is it a fact that the Government intend handing over the Institutes of British troops to the Navy, Army and Air Force Institute throughout India ?

Mr. E. Burdon : No decision has so far been reached in the matter.

RUNNING OF A CANTEN SERVICE FOR BRITISH TROOPS BY INDIAN CONTRACTORS.

181. ***Raja Ghazanfar Ali Khan :** (a) Is it a fact that the Indian contractors have represented to the military authorities that for war emergency they are prepared to enter into any agreement, which the Government may desire, which would compel them to accompany the battalion they serve into a war zone ?

(b) Is it a fact that the Army contractors have informed the military authorities that they are prepared if necessary to organize themselves into a registered body with sufficient capital, and that they are further prepared to abide by any rules framed by the military authorities for the efficient running of a canteen service for British troops in India, and if so, what objection do the Government find in giving a fair trial to this enterprise ?

Mr. E. Burdon : (a) and (b). The deputation of the All-India Army Contractors Association, which waited on His Excellency the Commander-in-Chief on the 12th August, put forward proposals of the nature mentioned. With regard to the concluding portion of (b), I assure the Honourable Member that no decision will be arrived at on the subject of canteen organisation in India without the views and the proposals of the contractors being fully considered.

TOTAL LOSS SUSTAINED BY REGIMENTAL FUNDS THROUGH SHORTAGE IN REBATE PAID BY THE ARMY CANTEEN BOARD (INDIA).

182. ***Raja Ghazanfar Ali Khan :** Will the Government be pleased to state what is the total amount of loss sustained by Regimental Funds, through the shortage in rebate paid by the Army Canteen Board (India) to all the units served by them, since the time of its introduction, when compared with the rebate paid by Army contractors ?

Mr. E. Burdon : No precise statement on the subject can be made. In certain units the rebate paid by the Army Canteen Board has been less than that which the unit would have received from a tenant contractor, while in other units the contrary is the case. Moreover, owing to the wide variation in the rates of rebate paid and in the conditions of the contracts made under the tenancy system, and also owing to the great differences which have been found to obtain in the prices charged for goods under this system even in the case of canteens under different contractors in the same station, no reliable or useful conclusions could be drawn from a comparison of figures such as is suggested by the Honourable Member.

REPORT OF THE CURRIE COMMITTEE ON THE WORKING OF THE ARMY CANTEEN BOARD (INDIA).

183. ***Raja Ghazanfar Ali Khan :** Will the Government be pleased to lay on the table the Report of the Currie Committee, with regard to the working of the Army Canteen Board, and state what procedure it is intended to adopt with regard to the recommendations contained in this Report ?

Mr. E. Burdon : The Report has been published, and a copy has been furnished personally to the Honourable Member. A final decision has not yet been arrived at in regard to the Committee's recommendations.

INTRODUCTION OF THE NAVY, ARMY AND AIR FORCE INSTITUTE INTO INDIA.

184. ***Raja Ghazanfar Ali Khan :** What are the reasons which have led the Government to propose the bringing in of the Navy, Army and Air Force Institute in this country ?

Mr. E. Burdon : The reasons have been fully stated in the press communiqué which was issued simultaneously with the report of the committee of inquiry. I will give the Honourable Member a copy of this communiqué if he has not already seen it.

INCLUSION OF THE VALUE OF SURPLUS LOCOMOTIVES ON THE NORTH WESTERN RAILWAY IN THE STORES BALANCES.

185. *Dr. K. G. Lohokare : With reference to the reply given on 1st February 1926 to my starred question No. 494, is it a fact that the value of locomotives found surplus on the North-Western Railway is not included in the stores balances ; and if not why not ?

The Honourable Sir Charles Innes : The locomotives in question are in use and their value cannot therefore be included in the stores balance. The statement that there were surplus locomotives on the North-Western Railway was intended to convey the idea that by improved methods of working the traffic offering or anticipated on that Railway could be worked with a smaller number of locomotives, and consequently, where possible, locomotives have been and will be transferred from the North-Western Railway to other Railways which were or may be found to be understocked. The surplus is further being reduced by not replacing engines as they become obsolete and are withdrawn from service.

Dr. K. G. Lohokare : Was that surplus included in the Stores account ?

The Honourable Sir Charles Innes : No, Sir.

REDUCTION OF THE RATES FOR RAILWAY COAL.

186. *Dr. K. G. Lohokare : (a) Is it a fact that the rates for public coal have now been brought down to the scale in force for railway coal ?

(b) If so, do Government propose to reduce the scale for railway coal in order to give effect to the view of the Government of India that "in the circumstances of India it is unnecessary to allow the same margin of profit in transactions between Railways as in the case of public traffic", and if not why not ?

Mr. A. A. L. Parsons : (a) The rates for public coal were brought down to the level of the rates for railway coal for distances over 400 miles. As regards distances under 400 miles the rates for railway coal were raised to the rates for public coal. This was done in order to distribute more evenly the effect of the reduction on public coal which would otherwise have weighed unduly on the Railways on which coal traffic originates.

(b) In these circumstances it is not at present proposed to lower the rates for locomotive coal.

DEBITING OF THE COST OF RAISING FUNDS FOR RAILWAY CAPITAL EXPENDITURE TO THE RAILWAY DEPARTMENT.

187. *Dr. K. G. Lohokare : Is the cost of raising funds required for railway capital expenditure debited to the Railway Department ; and if not why not ?

Mr. A. A. L. Parsons : The answer is in the affirmative.

DEBITING OF THE RAILWAY FREIGHT CHARGES ON COAL TO REVENUE.

188. *Dr. K. G. Lohokare : Is it a fact that the cost of carriage of railway coal for stock purposes is charged finally to the revenue account instead of to the stock account in the first instance ?

Mr. A. A. L. Parsons : For simplicity of accounting, railway freight charges on coal are initially charged to Revenue which consumes over 90 per cent. of the total coal purchased. When coal is issued to capital works, a percentage to cover freight charges is added to its value.

REVISION OF THE ORIGINAL DISTRIBUTION ORDERS FOR COAL FOR RAILWAYS.

189. ***Dr. K. G. Lohokare :** (a) Is it a fact that in 1925-26 a large quantity of coal was transferred from a Railway overstocked with fuel to another Railway under the orders of the Railway Board ?

(b) If so, will Government kindly state the name of the former railway and the quantity of coal concerned ?

Mr. A. A. L. Parsons : (a) and (b). By arrangement with the coal trade in July 1924 Government entered into fresh coal commitments for 1925-26 and also agreed to accept for delivery during 1925-26 the arrears on the 31st March 1925 of coal against 1924-25 contracts. If the coal had been distributed from the collieries according to the original distribution list it would have resulted in certain Railways being overstocked with coal beyond their normal balances. Instructions were therefore issued to collieries revising the original distribution orders affecting some 5,98,000 tons of coal for the Bombay, Baroda and Central India, Great Indian Peninsula, North-Western, Eastern Bengal, East Indian, Madras and Southern Mahratta and Oudh and Rohilkhand Railways.

NARRATIVE AND FINANCIAL AND STATISTICAL STATEMENTS DEALING WITH RAILWAYS.

190. ***Dr. K. G. Lohokare :** (a) Has the attention of Government been drawn to the article on " Indian Railways, 1924-25 " which appeared in the *Servant of India* of June 24, 1926 ?

(b) If so, do they propose to direct the Railway Board to adopt the suggestion made therein, namely, that the narrative and the financial and statistical statements dealing with Railways, which enter into the annual Budget of the Railway Board, should be separate from those dealing with the Railways which do not so enter ?

Mr. A. A. L. Parsons : Government have seen the article referred to. I think its writer must have overlooked paragraphs 27 to 32 of Volume I of the Report by the Railway Board for 1924-25 and Summaries I to VII and Statements 1 to 4 in Volume II, in which the statistics for State-owned lines are already given separately.

INCLUSION IN THE SCHEDULE OF DEMANDS FOR GRANTS FOR RAILWAY EXPENDITURE OF DEBITS AND CREDITS TO STORES ACCOUNT AND TO MANUFACTURE ACCOUNT.

191. ***Dr. K. G. Lohokare :** Do Government propose to include, in future, in the Schedule of Demands for Grants for railway expenditure, debits and credits to Stores Account and to Manufacture Account, as is done in regard to the Depreciation Fund Account ; and if not, why not ?

Mr. A. A. L. Parsons : No, for the reason that the Budget (pink) books of each Railway which are presented to the House as part of the detailed Railway Budget already give full particulars relating to stores transactions and manufacture operations.

CONFIRMATION ON CERTAIN OFFICERS OF THE STATUS OF SECRETARY OR DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA.

192. ***Dr. K. G. Lohokare :** Is it a fact that the holders of certain appointments in the Central Government are granted the status of Secretary or Deputy Secretary to the Government of India ; and if so, will Government kindly state what exactly the grant of such status implies ?

The Honourable Sir Alexander Muddiman : The answer is in the affirmative. The grant of such status implies that, under the rules regulating the transaction of business in the Government of India, such officers occupy the same position as the corresponding Secretariat officials.

REPORT OF MR. POOLEY ON THE CANTEN SERVICE FOR BRITISH TROOPS IN INDIA.

193. ***Dr. K. G. Lohokare :** (a) Will the Government be pleased to state whether the investigation of Mr. Pooley, Deputy General Manager of the Army, Navy and Air Force Institute, into the condition of the Canteen Service for British troops in India is complete, and if so, whether his report has been received by the Government of India ?

(b) Will the Government be pleased to state whether the report of Mr. Pooley will be published ; if so, when, and if not, why not ?

(c) Will the Government be pleased to state whether the Central Legislature will be consulted on the report of Mr. Pooley before any action is taken thereon by Government, and if not on what grounds ?

(d) Will the Government be pleased to state the approximate period of time by which their conclusions on the report of Mr. Pooley will be published ?

Mr. E. Burdon : (a)—(d). There appears to be considerable misapprehension as to the conditions under which Mr. Pooley, Deputy General Manager of the Navy, Army and Air Force Institutes came out to India. He came as a representative of the Navy, Army and Air Force Institutes to make an examination on their behalf into the canteen service for British troops in India and all the expenses in connection with this deputation were borne by that organisation. He has made no report to the Government of India, but presumably has done so to his own Board : on the other hand, the military authorities are indebted to him for furnishing them with most valuable suggestions and advice on the subject of canteen organisation and operation ; and he has also supplied certain notes of the conditions on which, in his personal opinion, the Board of the Navy, Army and Air Force Institutes might be prepared to consider favourably a request that they should undertake the management of canteens for British troops in India, if any such request is made to them.

CANTEEN SERVICE FOR BRITISH TROOPS IN INDIA.

194. ***Dr. K. G. Lohokare** : Do Government propose to bring in any motion in the Central Legislature in order to give effect to their conclusions on the future arrangements of the Canteen Service for British troops in India ? In the alternative, do Government propose to give the Central Legislature facilities for discussion of the Government proposals, before any action is taken thereon ?

Mr. E. Burdon : The answer to the first part of this question is in the negative. As to the second part, I invite the attention of the Honourable Member to the reply which I have just given to part (c) of starred question No. 178.

Dr. K. G. Lohokare : May I know if it means that the central revenues are to be taxed without permission.

Mr. E. Burdon : No, Sir,

CANTEEN SERVICE FOR BRITISH TROOPS IN INDIA.

195. ***Dr. K. G. Lohokare** : Will Government be pleased to state if the British units in India have, at any time since the investigation by Mr. Pooley was undertaken, been consulted by the Army Headquarters, regarding the canteen arrangements in their respective areas, and if so in what respects ? Will the Government be pleased to lay on the table an analysis giving the gist of the replies received, together with the names of the units ?

Mr. E. Burdon : The attention of the Honourable Member is invited to the reply which I have given to part (b) of question No. 179.

REMUNERATION OF MR. MURRAY AS TEMPORARY CONTROLLER OF THE ARMY CANTEEN BOARD (INDIA).

196. ***Dr. K. G. Lohokare** : Will Government be pleased to state the terms on which the services of Mr. Murray, an official of the Navy, Army and Air Force Institute, were obtained as a temporary Controller of the Canteen Board, and when do they expire ?

Mr. E. Burdon : The Government of India do not feel at liberty to disclose the terms on which the services of Mr. Murray, as temporary Controller, have kindly been placed at the disposal of the Army Canteen Board by the Navy, Army and Air Force Institutes, without the concurrence of the latter organisation, and time does not permit of a reference being made to their Board which has its headquarters in London. I think I may say, however, that the terms are favourable to the Army Canteen Board. Mr. Murray's services will continue to be lent until October next.

Dr. K. G. Lohokare : May I know if it is intended that the services of Mr. Murray will be continued ?

Mr. E. Burdon : There is no such intention at present, Sir.

INDIANISATION OF THE SUPERIOR SERVICES OF COMPANY-MANAGED RAILWAYS.

197. ***Dr. K. G. Lohokare** : With reference to the statement made by the Honourable Sir Charles Innes on February 8, 1926, that Railway Companies, in return for the extension of the Lee concessions to their officers.

have agreed to expedite training facilities in order that they may work up to a recruitment of 75 per cent. of the total number in their departments in India, will Government kindly state what rules, if any, have been made for recruitment on Company Railways corresponding to those promulgated last month in connection with State Railways ?

The Honourable Sir Charles Innes : No rules have yet been framed but the matter is now under consideration with the Agents and the Boards of Directors of the Company-worked Railways concerned.

DETERMINATION OF THE PRODUCTIVITY OF RAILWAY PROJECTS.

198. ***Dr. K. G. Lohokare :** Will Government kindly lay on the table a comparative statement shewing the definition of productive railways as laid down in 1881 by the Secretary of State and as now in force ?

Mr. A. A. L. Parsons : The criterion for determining the productivity of railway projects in 1881 was a return of 4 per cent. on the capital invested, within a period of 5 years after the opening of the line. The general standard at present in force is 6 per cent. but this rate was fixed in 1922 and will require reconsideration in view of the lower rate of interest at which the Government of India's loans have been recently raised.

AMALGAMATION OF THE EXISTING RAILWAYS INTO SUITABLE AND ECONOMIC GROUPS.

199. ***Dr. K. G. Lohokare :** With reference to paragraph 37 at page 80 of the Report of the Indian Retrenchment Committee, will Government kindly state what progress has so far been made in the preparation of a scheme for the amalgamation of the existing Railways (both State and Company) into suitable and economic groups ?

Mr. A. A. L. Parsons : No general scheme has been prepared, but since the Indian Retrenchment Committee reported, the Oudh and Rohilkhand Railway has been amalgamated with the East Indian Railway, and there have been important adjustments of territory between the East Indian, North Western, and the Great Indian Peninsula Railways.

Dr. K. G. Lohokare : Is it ever intended that that recommendation will be taken into serious consideration ?

Mr. A. A. L. Parsons : I cannot say, Sir.

NUMBER OF INDIAN PILGRIMS TO THE HEDJAZ.

200. ***Shaikh Mushir Hosain Kidwai :** Will the Government be pleased to state the number of Indian pilgrims who went to the Hedjaz for the Haj this year and how many have used their return tickets so far ?

Mr. J. W. Bhore : About 19,500 Indian pilgrims went to the Hedjaz this year, of whom nearly 11,500 took return tickets. The Government of India have not yet received complete information regarding returning pilgrims but up to the 15th July last 4,041 pilgrims had used their return tickets.

TREATMENT OF HAJ PILGRIMS ON BOARD SHIP AND AT THE QUARANTINE STATION AT KAMARAN, ETC.

201. ***Shaikh Mushir Hosain Kidwai** : Will the Government state whether or not they have received any complaints as to the treatment of the pilgrims on board the ships and at the quarantine station and whether there was a fire on any pilgrim ship ?

Mr. J. W. Shore : The Government of India have not received any complaints regarding the treatment of pilgrims on board ship. They have received only two complaints regarding the treatment of certain pilgrims at Kamaran and these are under investigation. A fire is reported to have broken out on the " S. S. Armanestan " which was carrying pilgrims from Jeddah to Bombay, but the Government of India have hitherto received no official information from the Local Government on the subject.

Mr. K. Ahmed : Are Government, for the benefit of the country, going to expedite their inquiries because a fire on the S. S. " Afghanistan ", in which so many lives were lost, is a serious question ? Will the Government be pleased at the same time to repair the loss which they have suffered ?

Mr. J. W. Shore : I do not subscribe to the many incorrect statements which have crept into my Honourable friend's question but I can assure him that the Local Government will be asked for information.

GRANT OF FACILITIES TO INDIAN PILGRIMS BY THE HEDJAZ GOVERNMENT.

202. ***Shaikh Mushir Hosain Kidwai** : Will the Government state if the Hedjaz Government offered all necessary facilities to the Indian pilgrims to perform their Haj according to their beliefs ?

Sir Denys Bray : The report of His Majesty's Consul, Jeddah, is still awaited.

LOSS OF LIFE AND PROPERTY AMONG INDIAN PILGRIMS DURING THE ATTACK OF THE NAJDIS AT TAIIF.

203. ***Shaikh Mushir Hosain Kidwai** : Will the Government state if during the attack of the Najdis at Taif any Indian lost his life or property ?

Sir Denys Bray : As a result of careful enquiries Government believe that five British Indian subjects were killed, of whom two were domiciled in the Hedjaz.

The Hedjaz Government lately appointed a committee to enquire into claims for compensation arising out of the incident. I understand all claims have been admitted except one which is under further examination.

Mr. K. Ahmed : What is the amount of the claims that they put in and what is their description ?

Sir Denys Bray : The claims amount to just under £5,000 and about 7,800 Majidias.

GRANT OF COMPENSATORY ALLOWANCES TO THE TELEGRAPH STAFF IN BOMBAY.

204. ***Mr. N. M. Dumasia :** (a) Will Government be pleased to state whether the majority of the telegraph staff in Bombay are general service men brought to Bombay in the interests of the service ?

(b) Are they given any more pay than they would get in their own places of residence ?

(c) Is it not a fact that the house rents in Bombay are higher than in any other places in the Presidency ?

(d) Is it a fact that the benefit of the compensatory allowance has been extended to gazetted officers and not to the non-gazetted ranks of the service ?

(e) Have the latter pressed for the extension of the benefit of the compensatory allowances to them also ?

(f) Will Government be pleased to state why the subordinate staff have not been granted the relief ?

(g) Is it a fact that the Indian Telegraph Association passed a resolution in March 1925 viewing with deep concern the restriction of relief to gazetted officers only and thus creating a distinction ?

(h) Is it a fact that several other Government Departments in Bombay have been drawing allowances since 1922 ?

(i) Is it a fact that several representations have been sent to Government by telegraph masters and telegraphists praying for redress of their grievance in regard to allowance ?

(j) What steps Government have taken to meet their prayers ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) No. The condition of their service requires them to serve anywhere in India or Burma on the same pay.

(c) The fact is as stated.

(d) Yes.

(e) Yes, through their Service Associations.

(f) The matter is under consideration.

(g) Yes.

(h) Yes.

(i) No. Representations have, however, been received from Telegraph Associations as stated at (e).

(j) The question of granting relief to these classes is under consideration.

Mr. J. Baptista : Is it true that the Eastern Telegraph Company pay higher salaries to their employees than the Indian Telegraph Department does ?

The Honourable Sir Bhupendra Nath Mitra : I have no definite information on the point.

Mr. J. Baptista : Will the Honourable Member kindly ascertain this and see his way to pay the same salaries to the Indian Telegraph Department ?

The Honourable Sir Bhupendra Nath Mitra : I am quite willing to make the inquiry suggested by my Honourable friend but I can give him no assurance in regard to the latter part of his question because conditions of service may differ enormously.

UNSTARRED QUESTIONS AND ANSWERS.

REORGANISATION OF THE WORK ON COMPANY-MANAGED RAILWAYS ON A DIVISIONAL BASIS.

38. Dr. K. G. Lohokare : Will Government kindly state what systems, if any, of the Company-worked Railways have reorganised their work on a divisional basis ?

Mr. A. A. L. Parsons : None of the Company-worked Railways has introduced the divisional system completely ; but the Bengal Nagpur and South Indian Railways have taken a preliminary step in this direction by splitting up their Traffic Department into Transportation and Commercial Departments.

TERMS OF APPOINTMENT OF SIR CLEMENT HINDLEY AS CHIEF COMMISSIONER OF RAILWAYS.

39. Dr. K. G. Lohokare : Will Government kindly state the terms of appointment of Sir Clement Hindley as Chief Commissioner of Railways ?

The Honourable Sir Charles Innes : Sir Clement Hindley was appointed Chief Commissioner of Railways with the approval of the Secretary of State for a period of five years from 1st November 1922. His pay is Rs. 6,000 per mensem and he earns leave under the Fundamental Leave Rules. He is entitled to receive a gratuity of Rs. 25,000 on retirement after five years service as Chief Commissioner or on earlier invaliding or death.

PAY OF THE SUBORDINATE STAFF OF THE GREAT INDIAN PENINSULA RAILWAY EMPLOYED AT BOMBAY AND OTHER PLACES.

40. Mr. N. M. Joshi : Will the Government be pleased to give statements of the scales of pay of the subordinate staff on the Great Indian Peninsula Railway working at Bombay and other places, including scales prior to 1919 and the present scales together with the dates on which the scales were revised ?

The Honourable Sir Charles Innes : The information I have dates back to 1921 and covers some 25 pages of print. I am sorry that I am not prepared to go to the expense of printing it in the official report nor am I prepared to guarantee that the scales are absolutely up-to-date. But if the Honourable Member will specify exactly what class of subordinates he has in mind, and if he will keep the number within reasonable limits, I will show him the information available in my office.

INADEQUACY OF THE PRESENT SCALES OF PAY OF CERTAIN OF THE SUBORDINATE STAFF EMPLOYED ON THE GREAT INDIAN PENINSULA RAILWAY.

41. Mr. N. M. Joshi : (a) Will the Government be pleased to state whether complaints have been received from the subordinate staff working on the Great Indian Peninsula Railway in the administrative offices at

Bombay, at Victoria Terminus and at Wadi Bunder regarding the inadequacy of their present scales of pay ?

(b) Have Government taken any action to revise the scale of pay ?

(c) If the answer to (b) be in the negative, will the Government be pleased to give reasons for not taking any action ?

The Honourable Sir Charles Innes : (a) to (c). Government have received copies of the resolutions passed by the subordinate staff referred to by the Honourable Member and no action was taken on them as matters of this nature are left to the discretion of the Agents. The Government note that the minimum pay of clerks in the Agent's office was 100 per cent. greater in 1921 than before the War and that the maximum pay was raised from Rs. 250 to Rs. 350.

WORKING HOURS OF THE STATION STAFF EMPLOYED ON THE GREAT INDIAN PENINSULA RAILWAY.

42. Mr. N. M. Joshi : (a) Will the Government be pleased to state whether it is a fact that the station staff on the Great Indian Peninsula Railway has to work in two shifts only, that is from 10 A.M. to 7 P.M. and from 7 P.M. to 10 A.M. ?

(b) Do Government propose so to arrange the hours of work as not to exceed eight hours a day ?

WORKING HOURS OF THE LINE STAFF EMPLOYED ON THE GREAT INDIAN PENINSULA RAILWAY.

43. Mr. N. M. Joshi : (a) Will the Government be pleased to state if it is a fact that the line staff working on the Great Indian Peninsula Railway has to work continuously throughout the year without a single off-day or holiday ?

(b) Is it a fact that in order to get one off-day in a week, a person is required to work on one day continuously for 24 hours ?

The Honourable Sir Charles Innes : I propose to reply to questions Nos. 42 and 43 together.

Government have no information other than that given in reply* to question No. 140 asked by Dr. K. G. Lohokare on the 20th August 1926. The question of granting a weekly rest day is, however, under the consideration of the Government of India.

*ANSWER TO QUESTION NO. 140 ASKED BY DR. K. G. LOHOKARE IN THE LEGISLATIVE ASSEMBLY ON 20TH AUGUST 1926.

(a) & (b). On State Railways (including the Great Indian Peninsula and East Indian Railways) the working hours of all staff other than those employed in connection with the working of trains are limited to 60 hours per week. The same practice is observed on nearly all Companies Railways including the Madras and Southern Mahratta Railway. The question of granting allowances for Sunday work is still under the consideration of the Government of India.

REMOVAL OF THE HARDSHIPS UNDER THE "DEBIT" SYSTEM ON THE GREAT INDIAN PENINSULA RAILWAY.

44. **Mr. N. M. Joshi :** (a) Will the Government be pleased to state whether the "Debit" system prevails to a great extent on the Great Indian Peninsula Railway and whether complaints have been received from the staff against the heavy penalties inflicted under this system ?

(b) Do Government propose to take immediate action to remove the hardships, if any, under the "Debit" system ?

The Honourable Sir Charles Innes : The Government are not quite sure what the "Debit" system referred to is. They are enquiring of the Agent and will let the Honourable Member know the result on receipt.

GRANT OF RECOGNITION TO THE UNIONS OF THE STAFF EMPLOYED ON THE GREAT INDIAN PENINSULA RAILWAY.

45. **Mr. N. M. Joshi :** (a) Will the Government be pleased to state whether the Unions of the staff working on the Great Indian Peninsula Railway had applied for official recognition ?

(b) If the answer to (a) be in the affirmative, will the Government state whether official recognition was granted and if not, why not ?

The Honourable Sir Charles Innes : The application has been received but at present the general question of policy arising out of the passing of the Trades Union Act is under consideration. In any case it will be for the Agent, not for the Railway Board, to recognise particular Unions.

REPORT ON THE WORKING OF THE STAFF COUNCILS ON THE GREAT INDIAN PENINSULA RAILWAY.

46. **Mr. N. M. Joshi :** (a) Will the Government be pleased to place on the table of this House a complete and up-to-date report on the working of the Staff Councils on the Great Indian Peninsula Railway ?

(b) Will Government be pleased to state whether any action, and, if so what, has been taken by the Staff Councils to redress the grievances, if any, of the staff, especially in matters of inadequacy of pay, leave rules, free residential passes, off-days and working hours ?

The Honourable Sir Charles Innes : (a) These Staff Councils deal with purely domestic matters relating to the railway staff of the Great Indian Peninsula Railway and copies of the minutes of the meetings are not sent to Government in the ordinary course. But the Agent has specially sent up copies of the first eight meetings of the Railway Council for reference in connection with the Honourable Member's question. They are very long, and I am not prepared to publish them. But I shall be happy to let the Honourable Member see them, if he cares to come round to my office. I may mention that the Railway Council itself has suggested that short reports of these proceedings should be published for the information of the staff in the Agent's weekly notes, and this suggestion is now under the Agent's consideration.

(b) The object of the Railway Council, as explained by the Agent at its first meeting, is to give the staff the means of discussing with their officers any matters affecting their welfare generally both at work and after work. The members of the Council are at liberty to raise any question of the kind referred to by the Honourable Member, and the minutes of the meetings show that they do in fact raise them. The resolutions of the Staff Council are submitted to the Agent for his consideration and his decision is in due course communicated to the Council.

PAY OF THE SHROFFS IN THE CURRENCY OFFICE, BOMBAY.

47. **Mr. N. M. Joshi** : Will the Government be pleased to state whether their attention has been drawn to the inadequate scale of pay of the shroffs as stated in the representation by the Bombay Currency Association, dated 21st December 1925 ? If so, what do they propose to do in the matter ?

The Honourable Sir Basil Blackett : Yes. The Government do not consider that the scale of pay is inadequate and do not therefore propose to take any action.

PAY OF SHROFFS IN THE CURRENCY OFFICE, BOMBAY.

48. **Mr. N. M. Joshi** : (a) Will the Government be pleased to state whether it is a fact that they refused to revise the scale of pay of the shroffs in the Currency Offices only on the ground that they were revised in 1920 and 1922 ?

(b) Will Government be pleased to state whether the following comparative statement showing the scales of pay of the clerks and the shroffs in the Bombay Currency Office is correct ?

Date.	Clerks.		Shroffs.		Hd. Shroffs.
	Minimum.	Maximum.	Minimum.	Maximum.	
1919.. .. Rs.	30	100	30	50	50
1st January 1920	40	100	40	60	70
13th October 1920	50	100	50	70	80
1st March 1922	60	100	50	80	90
1st June 1924	60	150	50	80	90

(c) If the answer to the above be in the affirmative, do Government propose proportionately to revise the scale of shroffs along with that of the clerks ?

The Honourable Sir Basil Blackett : (a) As stated in reply to the preceding question, the scale of pay was not considered inadequate.

(b) Yes.

(c) No.

PAY OF MENIALS IN THE CURRENCY OFFICE, BOMBAY.

49. **Mr. N. M. Joshi** : 1. (a) Will the Government be pleased to state whether it is a fact that the minimum pay of lower class servants in the Bombay Currency Office, called " menials " is only Rs. 20 (excluding

house rent allowance) and their maximum pay Rs. 24 only ? If so, in how many years do they get their maximum ?

(b) Will Government be pleased to say when these scales of pay referred to in the above questions were fixed and whether they have ever been revised ? If so, when ? If not, why not ?

2. Is it a fact that in some of the Imperial Departments in Bombay the revised scale of pay of the clerical staff is superior to that obtaining in the Departments of the Local Governments ? If so, are Government prepared to apply the same principle in the case of menials and revise their scale without waiting for the lead of the Local Government in the matter ?

The Honourable Sir Basil Blackett : The information required by the Honourable Member has been called for and will be supplied to him as soon as possible.

REVISION OF THE CONDITIONS OF SERVICE OF MENIALS IN ALL GOVERNMENT DEPARTMENTS.

50. **Mr. N. M. Joshi :** Will the Government be pleased to state if the orders in the matter regarding the question of revising the conditions of service of the menials in all Government departments have yet been issued ? If not, why not ?

The Honourable Sir Basil Blackett : It is not understood to what revision of conditions of services of menials the Honourable Member is referring, but if he is referring to the Resolution moved by Mr. Bole in the Bombay Legislature to increase the pay of peons in Bombay, the Government of India have no information regarding the action taken by the Local Government.

PROVIDENT FUND AND GUARANTEE CONTRIBUTIONS BY THE CURRENCY OFFICE STAFF.

51. **Mr. N. M. Joshi :** Will the Government be pleased to state if they have arrived at any decision in regard to the question of Provident Fund and Guarantee Contributions by the Currency Office staff ? If not, when will they publish the decision ?

The Honourable Sir Basil Blackett : I would refer the Honourable Member to the reply given in the Assembly on the 24th March 1926 to the starred question No. 1414 by Mr. B. Das on the same subject, and would add that the new Fidelity Insurance Scheme for the staff of the Currency Offices was introduced with effect from the 1st April 1926.

INTRODUCTION OF A PROVIDENT FUND FOR GOVERNMENT SERVANTS.

52. **Mr. N. M. Joshi :** Will the Government be pleased to state if they have come to any decision in regard to the Resolution of the Council of State passed in 1924, for the introduction of a Provident Fund system ? If not, will they be pleased to lay on the table a statement of steps which have been taken in this direction up to now during the course of the last two years ?

The Honourable Sir Basil Blackett : I would refer the Honourable Member to the reply given on the 24th March 1926 to Mr. B. Das's starred question No. 1415. The matter is still under consideration.

REVISION OF THE PAY OF THE SUPERINTENDENTS OF THE CURRENCY OFFICES.

53. Mr. N. M. Joshi : Will Government be pleased to state whether they are aware that the scales of pay of the Superintendents, etc., of the Currency Offices was not revised by the revision of 1924 ? If so, will Government be pleased to state whether they are going to revise the scale of pay of the Superintendents of the Currency Offices now ? If not, why not ?

The Honourable Sir Basil Blackett : I would refer the Honourable Member to the reply given on the 24th March 1926 to the identical question No. 258 asked by Mr. B. Das.

GRANT OF TWO OR THREE ADVANCE INCREMENTS TO THE CLERKS OF THE CURRENCY OFFICE, BOMBAY.

54. Mr. N. M. Joshi : Are Government aware that on the introduction of the revision of 1924, the senior clerks got particularly very little benefit and that in the Bombay Currency Office clerks got benefits as follows :

Clerks who had put in three years service got Rs. 75,

Clerks who had put in 10 years service got Rs. 80,

Clerks who had put in 16 years service got Rs. 95 ?

Do Government propose to consider the advisability of granting two or three increments to allay the heartburning and discontent prevailing amongst them ?

The Honourable Sir Basil Blackett : The Honourable Member is referred to the reply given on the 2nd September 1925 to question No. 471 (2) asked by Mr. M. K. Acharya.

The Government do not propose to consider the advisability of granting two or three advance increments.

RESOLUTIONS PASSED AT THE ANNUAL GENERAL MEETING OF THE BOMBAY CURRENCY ASSOCIATION ON THE 26TH JUNE 1926.

55. Mr. N. M. Joshi : Will Government be pleased to state whether they have received the copies of resolutions passed at the annual general meeting of the Bombay Currency Association held on 26th June 1926 ? If so, have Government given consideration to the grievances set down in them and what steps are being taken to redress them ?

The Honourable Sir Basil Blackett : Copies of the resolutions have just been received and are under consideration.

DELAY IN ACCORDING SANCTION TO THE BUDGETS OF CANTONMENT BOARDS.

56. Khan Bahadur Haji Wajihuddin : (a) Are the Government aware that the Cantonment Board, Ambala, submitted its revised budget for 1925-26 for sanction to the Northern Command in October, 1925 ?

(b) Is it a fact that the budget was received after sanction in April 1926, when all the provisions made in the revised budget had automatically lapsed ?

(c) Is it a fact that the Command disallowed certain provisions in the Budget without consulting the Cantonment Board ?

(d) Do Government propose to issue instructions that Cantonment Boards be given a free hand in framing their budgets so long as financial equilibrium is maintained and that there should be no abnormal delay in the sanction of these budgets in the Commands ?

Mr. E. Burdon : (a) Presumably the Honourable Member is referring to the budget estimates for 1926-27, which included revised figures for 1925-26. If so, the reply is in the affirmative.

(b) It is a fact that the budget estimates were sanctioned in April, but the sanction referred to the expenditure to be incurred during 1926-27. Provision of funds does not lapse in the manner suggested by the Honourable Member.

(c) The reply is in the negative.

(d) Instructions have already been issued with a view to regulating the mutual position of General Officers Commanding-in-Chief and Cantonment Authorities in regard to this matter.

ABOLITION OF THE CANTONMENT OF NOWGONG.

57. **Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that the Government intend to abolish the Cantonment of Nowgong ?

(b) Are the Government aware that this proposed abolition has caused great consternation and panic among the people of Nowgong ?

(c) Are the Government aware that bungalows in that Cantonment were built before the Mutiny ?

(d) Is it a fact that many of these bungalows were burnt down by the sepoys in 1857 and were rebuilt by the owners on the understanding that Nowgong was a permanent Cantonment ?

(e) Are the Government aware that the All-India Cantonments Conference in its last session passed a resolution requesting Government to retain the Cantonment ?

(f) Is it a fact that the Government is in search of a good site for the Physical Training School ?

(g) Will it be possible to locate this school in Nowgong ?

Mr. E. Burdon : (a) The answer is in the affirmative.

(b) Protests were received from inhabitants of the Cantonment.

(c) and (d). There were bungalows in Nowgong before the Mutiny, and some of these were burnt down during the Mutiny. I am not aware whether these particular bungalows were rebuilt or not.

(e). Yes. A deputation of the All-India Cantonments Association which came to see me was informed that Nowgong had to be abandoned as a cantonment for military reasons, but that Government would do what they could to safeguard the interests of the inhabitants.

(f) and (g). The answers are in the negative.

CONSTRUCTION OF STALLS BY THE CANTONMENT AUTHORITY OF KASAUJI.

58. **Khan Bahadur Haji Wajihuddin :** (a) Are the Government aware that stalls have been constructed in Kasauli from the Cantonment Fund and have been given on rent to all sorts of business men ?

(b) Will the Government be pleased to state under what section of the Cantonment Act of 1924, the Cantonment Authority is spending Cantonment Fund money for such a purpose ?

(c) Will the Government be pleased to lay on the table a statement showing the number of stalls erected up to date, the cost of construction and the amount of rent received by the Cantonment Authority from the same ?

(d) Was the sanction of the Government obtained to this commercial undertaking ?

(e) Are the Government aware that there is great discontent in the Cantonment against the action of the Cantonment Authority ?

(f) Do Government propose to stop the further construction of these stalls and direct the sale by auction of those already constructed ?

Mr. E. Burdon : I am making enquiries and will let the Honourable Member know the result as soon as possible.

POWERS OF THE VICE-PRESIDENTS OF CANTONMENT BOARDS.

59. **Khan Bahadur Haji Wajihuddin :** (a) Has the attention of the Government been drawn to the resolution No. 14, passed in the last session of the All-India Cantonments Conference published on page 17 of the *Cantonment Advocate* of March 1926 ?

(b) Is it a fact that under the existing arrangement, the Vice-President has no power in the executive work of the Cantonment administration ?

(c) Are the Government aware that in all advanced municipalities the executive and financial control thereof is virtually centred in the two Vice-Presidents ?

(d) Do Government propose to issue executive instructions to elect two Vice-Presidents (instead of one) and to delegate powers to the Vice-Presidents on the lines suggested in the Resolution referred to above ?

Mr. E. Burdon : The matter represented has recently been brought to the notice of the Government of India by the All-India Cantonments Association to which the Honourable Member himself belongs. It is being examined and the orders of the Government of India will be communicated to the Honourable Member in due course.

SPECIAL CENSUS OF THE CIVIL POPULATION OF THE KASAUJI CANTONMENT.

60. **Khan Bahadur Haji Wajihuddin :** (a) Are the Government aware that Kasauli being a hill station, its civil population varies considerably in the summer and the winter seasons ?

(b) Is it a fact that the civil population of Kasauli as declared in the last census was its population in the winter season ?

(c) Are the Government aware that the All-India Cantonments Conference has passed a resolution in its last session that the only just method of determining the civil population of Kasauli for the purposes of the creation of an elected Board there is to take the average of its summer civil population ?

(d) Is it a fact that the Government have accepted this principle ?

(e) Do Government propose to arrange a special census of the civil population of Kasauli in the summer season ?

(f) If not, will the Government be pleased to state the reasons for its inability to do so ?

Mr. E. Burdon : (a) The Honourable Member is referred to the reply given by me on the 25th August 1925 to part (3) of his question No. 23.

(b) The civil population of the Kasauli Cantonment as declared in the last census represents the population on the 18th March 1921.

(c) Yes, Sir.

(d) No, Sir. Government cannot accept the view that persons who are not permanent and continuous residents of a cantonment (even though a hill cantonment) are necessarily entitled to representation in the Cantonment Board.

(e) A representation in favour of a special census of the civil population of the Kasauli Cantonment will receive consideration if it is supported by some *prima facie* evidence showing that the population has risen above 2,500. Such representation, I need hardly say, would have to be submitted to the Board, as the Board has authority, if it wishes, to take a census.

(f) Does not arise.

GRANT OF SEPARATE REPRESENTATION IN THE LEGISLATIVE ASSEMBLY TO REPRESENTATIVES OF CANTONMENTS.

61. Khan Bahadur Haji Wajihuddin : (a) Are the Government aware that in the last session of the All-India Cantonments Conference, the representatives of the Cantonments of India expressed great regret and disappointment at the failure of the Government to recognise their right to separate representation in the Assembly ?

(b) Is it a fact that the All-India Cantonments Association sent cables to the Parliamentary Committee of Indian Reforms to provide a special seat for the Cantonments in the Assembly ?

(c) Is it true that the said Association carried on a lengthy correspondence with the Government of India in the year 1922-23 on this very subject and that the Government of India (Legislative Department) in its letter No. 6941-A. C., dated 27th September 1923, and No. 7737-A. C., dated 27th November, 1923, promised to allot a nominated seat to a representative of the Cantonments ?

(d) If so, is it a fact that this promise was never fulfilled ?

(e) Are the Government aware that the civil population of the Cantonments numbers about a million and is governed by a special law ?

(f) Are the Government aware that there is intense feeling in the Cantonments about this denial of the right of representation to the Cantonment people ?

(g) Is it a fact that some of the existing constituencies in the Assembly represent a much smaller number of people than the civil population of Cantonments ?

(h) Do Government propose to take immediate steps to create for the Cantonments two special Muslim and non-Muslim constituencies for two elected seats in the Assembly ?

Mr. L. Graham : (a) Government are aware of the three resolutions passed by the All-India Cantonments Conference in its last session held on the 13th and 14th March, 1926.

(b) Government have no information.

(c) It is clear from the letters of the Government referred to that they never promised to reserve a nominated seat for a representative of cantonments. What the Government undertook was that, in the event of no person having special knowledge of cantonment conditions being returned at the last general election to the Assembly they would consider whether it would be possible to nominate such a person.

(d) No. As more than one person having the special knowledge referred to in part (c) was returned to the Assembly no occasion arose for the carrying out of the undertaking.

(e) Including Aden the total population of cantonments is roughly three quarters of a million.

(f) The answer is in the negative.

(g) The information required to verify this supposition is available to the Honourable Member.

(h) Government have no such proposal under consideration.

RECRUITMENT OF INDIANS AS EXECUTIVE OFFICERS OF CANTONMENTS.

62. **Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that in a recent interview of a deputation of the All-India Cantonments Association with the Secretary, Army Department, Government of India, the latter informed the members of the Association that the Government had reserved 21 posts of Executive Officers for Indians ?

(b) Is it a fact that the Government intend to fill up these posts by recruitment from the Indian officers holding Viceroy's Commissions in the Army and Territorial Forces ?

(c) Has the attention of the Government been drawn to an article in the *Cantonment Advocate* of July 1926 headed "Indianisation of Executive Officers" in which strong exception has been taken to the above method of recruitment from the above classes ?

(d) Are the Government aware that the general feeling in the Cantonments is rather to have the existing arrangements than to have a number of Indian officers of the above type working as Executive Officers ?

(e) Have Government seen the alternative scheme discussed in the aforesaid article of the *Cantonment Advocate* ? If so, do Government propose to consider it ?

Mr. E. Burdon : (a) The answer is in the affirmative except that the number of appointments reserved for Indian officers is 20, and the deputation was so informed.

(b) Yes.

(c) Yes.

(d) The existing arrangements include some Indian officers of the type mentioned and Government are not aware of any general feeling adverse to them.

(e) Government do not propose to consider the question of changing the present arrangements without further experience.

REFUND OF AMOUNTS SPENT FROM CANTONMENT FUNDS ON CONSERVANCY FOR INDIAN TROOPS.

63. Khan Bahadur Haji Wajihuddin : (a) Will the Government be pleased to lay on the table a statement showing the expenditure incurred from the Cantonment Funds of various Cantonments on the conservancy of Indian troops during the 12 years prior to the introduction of the New Cantonment Act ?

(b) Are the Government aware that the debit of this expenditure to the Cantonment Fund has been declared to be improper and illegal by the Craik Committee and Renouf Committee appointed in 1921 to submit proposals for the reform of cantonment administration ?

(c) Have the Government considered the following two extracts from the report of the Craik Committee page 77 and from that of the Renouf Committee page 22 ?

(i) "As a matter of practice the only classes of troops for whom conservancy is provided from public revenues are British troops. In the opinion of the Committee this is illogical ; it is the duty of Government to provide conservancy for all classes of troops, units and formations, in a cantonment."—(*Craik Committee*).

(ii) "We find that in all cantonments throughout India and Burma, the conservancy of Indian troops and followers was debited to the Cantonment Fund and that, on an average the sum involved amounted to as much as 25 per cent. of the total annual expenditure. After mature consideration of the subject we came to the unanimous conclusion that, on principle, it was an illogical and unfair charge on the fund under the provisions of section 29, sub-section (J)."—(*Renouf Committee*).

(d) Will the Government be pleased to say on what grounds they refuse to refund to the Cantonment Fund the amount thus improperly spent ?

(e) Is there any time limit for a claim to such funds ? If so, what ?

(f) Is it a fact that the above expenditure was incurred at the time when the Cantonment Fund was entirely in the hands of the military officers of the Government in the Cantonments and the people had no power of stopping it ?

(g) Do Government propose to reconsider its position as to the refund of the above amount ?

Mr. E. Burdon : (a)—(g). The matter is one which has been raised by the All-India Cantonments Association. A deputation from this Association will shortly be received by His Excellency the Commander-in-Chief and His Excellency's reply on this point will be published.

REPRESENTATIVES OF DISTRICT MAGISTRATES ON CANTONMENT BOARDS.

64. **Khan Bahadur Haji Wajihuddin :** (a) Are the Government aware that under section 14 (1) (b) of the Cantonments Act, the District Magistrate often nominates the Magistrate stationed in the Cantonment as his representative on the Cantonment Board ?

(b) Is it a fact that the Magistrate stationed in the Cantonment is the Magistrate who tries all the cases filed by the Cantonment Authority under the Cantonments Act ?

(c) Are the Government aware that all prosecutions are sanctioned by the Cantonment Board and that the Cantonment Magistrate in his capacity as a member of the Board is a party to such sanctions ?

(d) If the reply to the above be in the affirmative, do Government propose to issue instructions that the District Magistrate may nominate a Magistrate other than the one in whose jurisdiction a Cantonment lies ?

Mr. E. Burdon : The Government of India have no information whether the facts are as suggested in the Honourable Member's question. If the Honourable Member can furnish particulars of any concrete case, the Government of India will be prepared to consider the questions which would then arise; but it may be pointed out now that the Government of India are not in a position to issue instructions to District Magistrates.

REPRESENTATIVES OF DISTRICT MAGISTRATES ON CANTONMENT BOARDS.

65. **Khan Bahadur Haji Wajihuddin :** (a) Are the Government aware that in some Cantonments the District Magistrate has begun to nominate his representative *by office* and not *by name* under section 14 (1) (b) of the Cantonments Act ?

(b) Are Government aware that the effect of this will be a constant change in the representative of the District Magistrate on the Cantonment Board ?

(c) Is it a fact that the Government are themselves opposed to any arrangement disturbing continuity of tenure in the members of the Cantonment Board ?

(d) Do Government propose to issue instructions that nomination under the above section be not made "by office" but "by name" ?

Mr. E. Burdon : (a)—(d). The correct interpretation of section 14 (1) (b) of the Cantonments Act, 1924, is given in paragraph 2 (b) of Army Department letter No. 29136-2 (A.D.), dated the 12th June 1925, a copy of which was forwarded to the Honourable Member on the 21st October 1925 in connection with my reply to his question No. 18 in the Assembly on the 25th August 1925. In the circumstances Government do not propose to issue any further instructions on the subject.

SUB-LETTING OF SURPLUS LAND IN CANTONMENTS BY THE MILITARY DAIRY AND GRASS FARMS.

66. **Khan Bahadur Haji Wajihuddin :** (a) Are the Government aware that under the Land Administration Rules the land actually required and used by the Military Dairy and Grass Farms can be included in class "A" land ?

(b) Are the Government aware that large plots* of surplus land are at present in the hands of the Military Dairy and Grass Farms in several Cantonments and these are sub-let by them for cultivation and grazing ?

(c) Are the Government aware that by entrusting the surplus land to the Government Dairy and Grass Farms, " B " class land, which is a source of revenue for the Cantonment Board, has been considerably reduced ?

(d) Do Government propose to issue orders that all such surplus land be transferred to Cantonment Board " B " class land and stop all sub-letting of land by the Military Dairy and Grass Farms as a source of income ?

Mr. E. Burdon : (a) The answer is in the affirmative.

(b) Military Grass and Dairy Farms are not in possession of surplus land in Cantonments. As an economical means of reclamation certain lands which have ceased temporarily to give good grass are let out for cultivation for short terms with a view to getting the land clean before again putting the same down to permanent grass. Again certain lands are leased for grazing after the hay crop has been harvested.

(c) and (d). Do not arise.

TRANSFER OF THE MANAGEMENT OF " A " CLASS LAND FIT FOR GRAZING IN CANTONMENTS TO THE CANTONMENT BOARDS.

67. **Khan Bahadur Haji Wajihuddin :** (a) Are the Government aware that in several Cantonments parade grounds included in class " A " land and open areas in class " B " land, have been allowed to be used for grazing on payment of a licence fee, separately by the Military Estates Officer and the Cantonment Authority ?

(b) Is it intended by this separate arrangement to set up two rival jurisdictions ?

(c) Do Government propose to direct that for purposes of grazing " A " class land fit for that purpose be placed under the management of the Cantonment Boards ?

(d) In the alternative, do Government propose to devise some system of joint working of grazing plots in a Cantonment, to obviate hardship to the public ?

Mr. E. Burdon : (a) The reply is in the affirmative.

(b), (c) and (d). The reply to these questions is in the negative : but if the Honourable Member can quote the particulars of any concrete case in which hardship to the public or loss to Government has arisen we shall be prepared to inquire into the matter.

CASE OF ALLEGED EVASION OF THE PAYMENT OF OCTROI DUTY IN THE JULLUNDUR CANTONMENT.

68. **Khan Bahadur Haji Wajihuddin :** (a) Are the Government aware that on 5th July 1926 an elected member of the Jullundur Cantonment Board informed the Executive Officer of a case of evasion of octroi ?

(b) Is it a fact that on the 7th July 1926 the Executive Officer wrote to the said member that on inquiries made by him up to that day the information supplied by him appeared to be correct ?

(c) Are the Government aware that a day after the Executive Officer passed orders that the information supplied was false and that ordinary octroi should be charged on the goods smuggled ?

(d) Is it a fact that the non-official members approached the Vice-President to call an emergent meeting of the Board to consider the case reported and the action of the Executive Officer ?

(e) Are the Government aware that the President agreed to call an emergent meeting, issued a notice for the same and subsequently cancelled it ?

(f) Will the Government be pleased to state why the notice for the meeting was cancelled ?

(g) Is it a fact that the non-official members subsequently submitted proposals to discuss the case of evasion and the conduct of the Executive Officer in the ordinary meeting of the Cantonment Board held on the 26th July 1926 ?

(h) Are the Government aware that these proposals were not allowed by the President to be laid before the meeting in direct opposition to section 37 (2) of the Cantonments Act and the Government of India Circular No. 30512-3 (A.D.), dated 29th December 1925 ?

(i) Is it a fact that the man charged with the evasion of the octroi secured a copy of the finding of the Executive Officer and filed a criminal complaint against the elected member referred to in part (a) above under sections 182, 193, 211 and 500, Indian Penal Code, and that the President cancelled the emergent meeting and disallowed non-official proposals on the plea that the case was *sub judice* ?

(j) Are the Government aware that the non-official members only desired to discuss the conduct of the Executive Officer ?

(k) Is it a fact that there is great public resentment in Jullundur against the action of the President in not calling an emergent meeting and then disallowing non-official proposals in the ordinary meeting of the Board ?

(l) Do Government propose to make urgent inquiries into the matter and state the action they propose to take in the matter ?

Mr. E. Burdon : I am making enquiries and will let the Honourable Member know the result as soon as possible.

TABLE OF RENTS FOR BUILDING SITES AND AGRICULTURAL LANDS IN CANTONMENTS.

69. Khan Bahadur Haji Wajihuddin : (a) Are the Government aware that under Rule 10 of the Land Administration Rules, it is the Executive Officer who is to prepare tables of rent for building sites and agricultural lands ?

(b) Is it a fact that under rule 13 (6) he is empowered to fix a reserve price as " premium " and under rule 13 (20) a reserve price for the rent of each separate plot of cultivation ?

(c) Are the Government aware that there is no provision in the rules, under which the table of rent or the reserve price as premium or rent should be approved by the Cantonment Board ?

(d) Do Government propose so to modify the rules as to make the previous approval of a Cantonment Board necessary before final adoption in all the above three cases ?

Mr. E. Burdon : (a) Presumably the Honourable Member refers to the Military Estates Officer.

(b) Yes, Sir.

(c) The reply is in the affirmative as regards the compilation of the table of rent. As regards the reserve price for premium and rent, the reply is in the negative as the auction in both cases requires the approval of the Cantonment Authority under Rule 13 (11) and (20).

(d) The Government do not consider it necessary to alter the rules. The fixing of tables of rent under Rule 10 is properly assigned to the Military Estates Officer who is the agent of the Government of India, but it is open to him to consult the Cantonment Authority where necessary, and he no doubt will do so in practice.

PROVISION OF AN ADEQUATE SUPPLY OF DRINKING WATER FOR THE CIVIL POPULATION IN AMBALA CANTONMENT.

70. **Khan Bahadur Haji Wajihuddin :** (a) Are the Government aware that the water supply in Ambala is in the hands of the Military Engineering Service ?

(b) Is it a fact that so far back as in 1924 the Cantonment Authority, Ambala, wrote to the M. E. S. that 12 more public hydrants were required in the Sadar Bazar to ensure an adequate supply of drinking water to the people ?

(c) Are the Government aware that no attention was paid by the M. E. S. to the above demand till 1926 when the situation became so acute that the Cantonment Board made an emergent request for immediate provision of three hydrants in badly affected localities ?

(d) Is it a fact that the M. E. S. then asked the Cantonment Board to deposit with it the estimated cost of the three urgently needed hydrants ?

(e) Are the Government aware that under the existing arrangement the whole water-tax collected from the civil population in that Cantonment is paid to the M. E. S. and in return it is obligatory on the part of the latter to supply adequate drinking water to the civil population ?

(f) Is it a fact that under the above arrangement all public hydrants had hitherto been provided by the M. E. S. at its own cost ?

(g) Is it a fact that on a reference being made to the Government of India regarding the enhanced amount demanded from the Cantonment Board for water supplied to the civil population, the Government definitely ordered the M. E. S. to continue the old arrangement up to April 1927 ?

(h) Are the Government aware that the Cantonment Board held the demand of the M. E. S. for the cost of the public hydrants required as illegal and unprecedented and opposed to the orders of the Government of India referred to above ?

(i) Is it a fact that to save people from the consequences of getting insufficient or no drinking water the Cantonment Board agreed to advance

the cost of the hydrants as a loan on the condition that the same would be repaid, after the Government had held the charging of the cost of public hydrants from the Cantonment Board to be illegal ?

(j) Do Government propose to enquire into the conduct of the M. E. S. in this matter and direct that public hydrants be provided as before at the request of the Cantonment Board at the cost of the M. E. S. ?

Mr. E. Burdon : (a) Yes, but so far as the Cantonment supply of water is concerned, the Military Engineering Service act as the agents of the Cantonment Authority.

(b) —(j). I am making inquiries and will let the Honourable Member know the result in due course.

NUMBER OF VOTERS FOR THE LEGISLATIVE ASSEMBLY IN THE MUSLIM AND NON-MUSLIM URBAN CONSTITUENCIES IN THE UNITED PROVINCES.

71. Khan Bahadur Haji Wajihuddin : Will the Government be pleased to lay on the table a statement showing the number of voters in each of the Electoral Rolls prepared in 1920, 1923 and 1926 for the Legislative Assembly, United Provinces Urban Constituency, both for Muslims and non-Muslims respectively ?

The Honourable Sir Alexander Muddiman : The information for 1920 and 1923 is contained in the Returns showing the results of Elections in India for 1920 and 1923, copies of which are in the Library of this House. Similar information for 1926 is not available.

ISSUE OF LIFE LICENCES FOR FIRE-ARMS TO MEMBERS OF THE INDIAN LEGISLATURE.

72. Khan Bahadur Haji Wajihuddin : (a) Are the Government aware that under the Arms Rules, 1924, on the expiry of his term as a Member of the Indian Legislature the privilege of exemption from the Arms Act is automatically withdrawn and every holder of fire-arms is bound to obtain a licence on payment of the prescribed fee for a short period of two or three months, which on re-election must be cancelled ?

(b) If so, do Government propose to consider the advisability of issuing life licences to all such persons either free of charge or on the payment of a reasonable fixed amount ?

The Honourable Sir Alexander Muddiman : (a) Yes.

(b) No.

PAYMENT OF CLAIMS AGAINST THE 7TH HARIANA LANCERS AND THE 2/96TH INFANTRY REGIMENT.

73. Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state whether they have granted compensation in a claim stated in the starred question No. 924, asked on the 15th September in this Assembly ?

(b) Are Government aware that there are two small similar claims against the 7th Hariana Lancers and the 2/96th Infantry, both demobilised since the war, by court decrees No. 1373 of 1921 passed on 27th April 1922, and No. 3575 of 1921 and dated 15th January 1923 ?

(c) Do Government propose to make inquiries and give similar compensation as mentioned in (a) ?

Mr. E. Burdon : (a) Yes, Sir. The full amount of the decree against the regiment was granted by Government.

(b) and (c). If the Honourable Member will be so good as to furnish me with further particulars regarding the claims mentioned in part (b) of his question, I shall be pleased to investigate them.

AGREEMENT BETWEEN GOVERNMENT AND THE OWNER OF CERTAIN HOUSES IN POONA.

74. Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to place on the table a copy of the fresh lease entered into between the owner of No. 2, Victoria Road, Poona, and 1-B, Prince of Wales Road, and themselves ?

(b) Is the owner allowed to live in No. 2, Victoria Road, although the bungalow is in the Military Lines ?

(c) Has a similar concession been granted to any other owner ?

(d) If not, why not ?

Mr. E. Burdon : (a)—(d). I am making enquiries and will inform the Honourable Member in due course.

GRANT OF PERMISSION TO THE OWNER OF NO. 13, ELPHINSTONE ROAD, POONA, TO BUILD A SECOND BUNGALOW IN THE COMPOUND OF HIS HOUSE.

75. Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state on what conditions a second bungalow was allowed to be built in the compound of No. 13, Elphinstone Road, Poona ?

(b) Will they be pleased to place on the table the original lease of the old bungalow ?

(c) Was the sanction of the Government of India taken before the permission to build a new bungalow was granted to the present owner ?

(d) If not, why not ?

Mr. E. Burdon : (a), (c) and (d). The information desired by the Honourable Member is being obtained and will be communicated to him as soon as possible.

(b) The answer is in the negative.

GRANT OF PERMISSION BY THE MILITARY AUTHORITIES AT POONA FOR THE CONSTRUCTION OF A CLUB HOUSE IN THE COMPOUND OF NO. 5, LOTHIAN ROAD.

76. Khan Bahadur Haji Wajihuddin : (a) Is it a fact that the military authorities at Poona have granted permission to build a Club House in the compound of No. 5, Lothian Road ?

(b) Is the site of this compound divided into two parts ?

(c) If so, on what conditions ?

(d) Will they be pleased to place these conditions on the table ?

Mr. E. Burdon : The information desired by the Honourable Member is being obtained and will be communicated to him as soon as possible.

ORIGINAL LEASE OF THE SITE FOR THE SIR DINSHAW PETIT PARSEE GYMKHANA AT POONA.

77. Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to place on the table a copy of the original lease of the site granted to the promoters of the Sir Dinshaw Petit Parsee Gymkhana on the parade ground of the Poona Rifles, Poona ?

(b) Was any value for the land recovered or any rent received from them ?

Mr. E. Burdon : (a) The Government think it unnecessary to lay a copy of the agreement on the table.

(b) The Parsee Gymkhana pays an annual rent for the land.

EXPENDITURE ON EDUCATION BY THE POONA CANTONMENT BOARD.

78. Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state the amount of the yearly income derived by the Poona Cantonment Board ?

(b) What amount is spent by this Board on " Education " out of this income ?

(c) By what amount is this expenditure on education short of that spent by the Poona City Municipality on education ?

(d) Do Government intend to issue instructions to this Board to spend an equal sum in proportion to that spent by the neighbouring Municipality ?

Mr. E. Burdon : (a) Rs. 3,52,984.

(b) Rs. 3,600.

(c) The Government of India are not aware of the present amount spent by the Poona Municipality on education, nor of the proportion which that amount bears to the total income of the Municipality.

(d) Government are issuing general instructions to General Officers Commanding-in-Chief that in sanctioning the budgets of Cantonment Authorities they should take suitable action to see that, as far as possible, the proposed expenditure on education is on a scale approximating, in each instance, to that spent in the neighbouring municipality. Government will also ask Local Governments to deal in their annual educational reports with the question whether the expenditure on education in individual Cantonments is commensurate with the needs of the Cantonment.

USE OF THE MASJID IN THE CONNAUGHT LINES, POONA, BY THE RETIRED OFFICERS OF THE MULE CORPS RECENTLY STATIONED THERE.

79. Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state whether there is a Masjid and a temple built on the Connaught Lines, Poona, by the Indian officers and men of the Mule Corps which recently left the station ?

(b) How were these holy places built and who spent the money and when ?

(c) Is it the intention of Government to demolish these places of worship ?

(d) If not, will they continue to allow the Masjid to be used by the retired officers and men of the Mule Corps and other Muslims of the locality ?

Mr. E. Burdon : The information desired by the Honourable Member is being obtained and will be communicated to him as soon as possible.

TRANSFER OF THE ARMY HEADQUARTERS, POONA DISTRICT, FROM POONA TO SECUNDERABAD.

80. **Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state whether it is a fact that the Army Headquarters, Poona District, are being transferred from Poona to Secunderabad ?

(b) Have these Headquarters been stationed at Poona for over a century ?

(c) Have Government received any memorial from the inhabitants of the Poona Cantonment against such transfer ?

(d) What steps do Government intend taking to allay the feelings of these inhabitants ?

Mr. E. Burdon : (a) The attention of the Honourable Member is invited to the reply which I gave on the 8th March last to starred question No. 1052. The Government of India are at present considering proposals for certain reorganizations in the Southern Command. These proposals include the transfer of the District, and not the Command, headquarters from Poona to Secunderabad.

(b) There has been a District headquarters at Poona for a considerable number of years, but I am not prepared to say for how long or that there has been no break in continuity.

(c) Yes.

(d) I am not sure that feelings will require to be allayed, as the proposals, if accepted, will not involve an appreciable decrease in the number of military officers resident in Poona.

BERAR LAND REVENUE BILL.

81. **Mr. R. M. Deshmukh :** (a) Did the Central Provinces Government send the Berar Land Revenue Bill to the Government of India for their sanction, and if so, when ?

(b) Will the Government lay on the table the recommendations or report of the Local Government of the Central Provinces and Berar, along with it ? If not, why not ?

(c) Have the Government of India given their sanction thereto ?

(d) If not, will the Government give in detail the reasons why such delay is caused ? When do they propose to give their sanction ?

(e) Do the Government of India intend to send back the Bill, or any clauses thereof, for reconsideration, to the Central Provinces Government or to the Berar Legislative Committee? If so, will the Government give the points of their dissent, and the time within which they propose to send it back?

Sir Denys Bray : (a) The draft of the Berar Land Revenue Code, as passed by the Berar Legislative Committee, was sent up to the Government of India by the Central Provinces Government on the 16th December 1925 under rule 9 (1) of the Berar Legislation Rules.

(b) The Government of India regret their inability to comply with the Honourable Member's request as the Bill is still under consideration.

(c) No.

(d) The Bill requires careful consideration but every endeavour will be made to expedite a decision.

(e) The Government of India are unable to anticipate the outcome of the consideration which the Bill is receiving.

STATEMENT LAID ON THE TABLE.

The Honourable Sir Charles Innes (Commerce Member) : Sir, I lay on the table the Agreement between the United Kingdom and Portugal in regard to Tonnage Measurement of Merchant Ships, together with Notes exchanged, which affects India.

AGREEMENT BETWEEN THE UNITED KINGDOM AND PORTUGAL IN REGARD TO TONNAGE MEASUREMENT OF MERCHANT SHIPS, TOGETHER WITH NOTES EXCHANGED.

London, May 20, 1926.

His Britannic Majesty's Government and the Portuguese Government have agreed as follows :—

In view of the fact that the existing laws and regulations of Great Britain in regard to measurement of tonnage of merchant ships are in substantial agreement with those of Portugal, British ships furnished with certificates of registry and other national papers, duly issued by the competent British authorities shall be deemed by the Portuguese authorities to be of the tonnage denoted in the said documents and shall be exempted from being remeasured in any port or place within Portuguese territory or in localities under the control of Portugal, on condition that similar terms shall be accorded to Portuguese ships equipped with certificates of registry or other national papers duly issued by the competent Portuguese authorities on or after the 5th July, 1924, and that such ships shall be exempted from being remeasured in any place within His Britannic Majesty's Dominions or under His Britannic Majesty's protection or control.

Either of the contracting parties may, on giving to the other twelve months' notice to that effect, terminate this Agreement either as a whole or separately in respect of any of the following parts of His Britannic Majesty's Dominions, *viz.*, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, Newfoundland, and His Majesty's Indian Empire.

In the event of the Agreement being terminated in respect of any such part of His Britannic Majesty's Dominions, the Agreement shall cease to apply to British ships registered therein.

In witness thereof the undersigned have signed the present Agreement and have affixed thereto their seals.

Done in duplicate at London, the 20th day of May, 1926.

(L. S.) AUSTEN CHAMBERLAIN.

(L. S.) NORTON DE MATOS.

No. 1.

*Sir Austen Chamberlain to the Portuguese Ambassador.**Foreign Office, May 20, 1926.*

Your Excellency,

WITH reference to the Agreement which is being signed this day on behalf of the British and Portuguese Governments in regard to the measurement of tonnage of merchant ships, I desire to place on record the fact that this Agreement is made with the consent of the self-governing Dominions and India.

2. I have the honour to add that it would be understood that the stipulations of the Agreement shall not be applicable to Irak unless notice shall have been given of the desire of the Irak Government that they shall be so applicable.

I have, etc.,

AUSTEN CHAMBERLAIN.

No. 2.

*The Portuguese Ambassador to Sir Austen Chamberlain.**Portuguese Embassy, London,**May 20, 1926.*

SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's note of to-day informing me of your desire to place on record the fact that the Agreement which is being signed this day on behalf of the Portuguese and British Governments in regard to the measurement of tonnage of merchant ships is made with the consent of the self-governing Dominions and India.

It would be understood that the stipulations of the Agreement shall not be applicable to Irak unless notice shall have been given of the desire of the Irak Government that they shall be so applicable.

I have, etc.,

NORTON DE MATOS.

ELECTION OF SIR SIVASWAMY AIYER TO REPRESENT THE LEGISLATIVE ASSEMBLY ON THE COUNCIL OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

Mr. President : As there is only one candidate, Sir Sivaswamy Aiyer, for one seat to represent the Legislative Assembly on the Council of the Indian Institute of Science, Bangalore, I declare that Sir Sivaswamy Aiyer is duly elected.

THE CURRENCY BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I rise to move that the Indian Currency Bill be taken into consideration.

This Bill is the first fruits of the Report of the Royal Commission on Indian Currency. At the outset it is my pleasant duty and my proud privilege to express on behalf of the Government and of the people of India our sincere thanks to the gentlemen who are the joint authors of this Report. Whatever may be our individual views as to details of their recommendations, Indians are a generous race and I am confident that they join with me in expressing heartfelt gratitude to Mr. Hilton Young and his nine colleagues who have to the best of their exceptional talents done India service on this Commission. I know that I shall be voicing the unanimous sentiments of India in conveying to these gentlemen our thanks for the immense labour, the unstinted expenditure of time and energy which they have brought to their task, and their unswerving determination to give of their best with single-hearted devotion to the interests of India. The Report which they have produced is,

[Sir Basil Blackett.]

I believe, the most important contribution to the problem of India's currency which has been made since the Herschell Committee reported in 1893. The report of the Herschell Committee marked the definite end of the monometallic silver standard in India, and the close of the last period during which India had a real currency standard worthy to be called a standard. It is an immense task for a nation of over 300 million souls to pass over the chasm which divides a silver from a gold standard. Since 1893 India has been endeavouring to cross that gulf. In 1893 the silver rupee was the sole legal tender in India and the sole standard of value. After 1893 it ceased to be the standard of value, but as was inevitable in a continent of the extent of India, thickly populated with citizens of every degree of civilization, a sudden break with the past was unthinkable, and the silver rupee, no longer the standard of value and in truth nothing more than an inconvertible note printed on silver, remained the sole or practically the sole legal tender. And it is the preponderance of the silver rupee in the circulation to-day which is still the main obstacle to a further advance. The history of the rupee since 1893 has been chequered and the period of transition to a new currency standard has been a long and at times a vexatious one. If to many of us progress has often seemed unduly slow and tedious, let us remember always what a gigantic effort was involved in accustoming the peoples of India to a revolutionary change. The fair prospects of the evolution from a silver to a gold standard were rudely checked by the war. The phenomenal rise in the gold value of silver resulted in 1917 and 1918 in a crisis. The authorities of that date—and who of us is entitled to say they were wrong?—rejected the logical but in the circumstances of March 1918 the highly dangerous opportunity which then offered of making the standard based on the over-valued silver rupee once and for all, what in essence it was, into a standard based on a currency inconvertible internally but convertible into international exchange values at a fixed ratio. The consequence was that for the moment the standard relapsed into the conditions of the period before 1893 and became for the time being once again a monometallic silver standard. When the war was over, there followed the premature attempt in 1920 to re-establish the rupee at a fixed ratio with gold at a time when, as we who are wise after the event can well realise, the hopeless effort was made to stabilise the rupee while India's finances were in disorder, with a war on her frontiers and a budget that was in deficit, and when the currencies of the world were in a state of chaos. That effort failed as it was bound to fail, and it is idle to deny that the result was inevitably to set back the clock of progress in currency matters in India. Nothing remained but to wait on events, and to postpone the task of fixing new moorings for the rupee until world conditions were sufficiently stable to offer a chance of success to any new effort at stabilisation.

May I be permitted at this point to interject a personal note? This was the condition in which I found the rupee when I landed in India at the beginning of 1923. The rupee had broken loose altogether from its moorings and was drifting in an uncharted sea. Neither the Government nor the country had or could have at that date any final policy as to the future of the rupee. The events of 1920 had created an atmosphere of exaggerated suspicion, yet it was obviously impossible, nor did any one venture to recommend it from any quarter, to attempt to restore stability until Indian finances were once again in order and some semblance of stable conditions had been re-established in the currencies of the world.

Further, the atmosphere of suspicion made it impossible to contemplate any decisive action being taken in Indian currency matters, except as the outcome of the deliberations of an authoritative enquiry. If Honourable Members will study my public utterances on currency questions since January 1923 they will find that I have never once attempted to defend either the pre-war currency system of India or the system (or rather absence of system) as I found it in 1923. My constant plea has been that the conditions as I found them could not be modified in a definitive way until world conditions offered us a prospect of real finality and until an authoritative Commission or Committee had deliberated and reported. Until then, there was no choice available but to make the best of what we had got, to begin by putting India's public finances in order, and to maintain such stability as was possible in rupee prices. I do not think that history will fail to attribute considerable credit to the management of Indian currency by the Government of India in the years from 1921 to 1926.

All this has been changed by the Report of the Currency Commission. We are now at last in a position to look ahead of us. And just as the Herschell Committee led after five or six years to the definite substitution of a sterling exchange standard, with a stable exchange, in place of the old monometallic silver standard with a violently fluctuating rupee, so I am convinced will the Hilton Young Commission lead us, in a period of not more than five years, onwards from the transitional exchange standard of the last 30 years to a real gold standard, with gold and not the silver rupee as our standard of value and the basis for our legal tender currency. It is tempting to dwell on the main recommendations of the Commission. They offer India the prospect of a real gold standard, with the currency and banking reserves of the country at last amalgamated under the control of a single authority independent of Government, in undisputed management of India's currency and credit policies and of the Indian money market. They offer India moreover the quickest practicable means of advance, if she so desires, to a gold currency. I do not entirely agree with the Commission's criticisms of the plan for a gold standard with a gold currency, put before the Commission by the Finance Department of the Government of India. It has been called the Blackett plan, and I do not want to disclaim a fair share of the credit for the plan, but in justice to other members of the Finance Department, and particularly to Mr. Denning, the Controller of the Currency, I feel bound to acknowledge publicly that they too deserve a big share of the credit due for the initiation and elaboration of the plan. But I must admit that the risks of the plan, particularly in its effect on the silver market, were formidable, and that I am convinced by the evidence given before the Commission, that in the absence particularly of American collaboration in carrying the plan through, the Commission were right in adopting a more cautious method of progression. The plan they have adopted is in fact not very dissimilar from the Finance Department's plan up to the end of stage one, but they stop short for the time being at that stage and leave it for the future to decide whether it will be desirable to attempt the further advance to a gold currency at some later date.

But I must get back to that part of the Commission's Report which is really germane to the Bill now before us. The Report is unanimous except for a Minute of Dissent by one member of the Commission, and although that Minute of Dissent is a long one, the Report is really unanimous, except on two points. One of these is a major point which reacts

[Sir Basil Blackett.]

on the whole of the rest of the Commission's proposals. I refer to the question of the nature of the Bank to which all agree that the control of the currency and of the reserve should be entrusted. After careful study of the document, I incline to the view that on this point the differences of opinion are not irreconcilable. But the question of the Bank is not under discussion to-day. The other point of difference is one which does not materially affect the main structure of the Commission's proposals, the question whether the gold value of the rupee should be fixed at the equivalent of 1*s.* 6*d.* gold or 1*s.* 4*d.* gold. This is therefore in the final analysis a minor matter, but it is nevertheless a matter which is of immediate and indeed of vital importance to the interests of India and unlike the question of the Bank it is a matter which is directly under consideration in the Bill before us. This Bill is, as I have said, the first fruits of the Report. It is of course a purely transitional measure, and is intended to have effect only during a short period of years. The big legislative measure which will ultimately result from the Commission's Report will be of vastly greater importance. But the time for considering that big measure has not yet come. We are concerned to-day only with those steps which the Commission recommends for the transitional period.

The major recommendations of the Commission involve details of far-reaching importance, as for example the question of the Reserve Bank, and the question of the convertibility of the notes issued by that Bank not into silver rupees but only into gold bullion, details on which it is neither possible nor desirable for the Government of India to express final conclusions to-day. These are matters which require intensive study by the Government and by the people of India before it would be proper for final conclusions to be formulated. This Bill is intended to be a transitional measure, but it points the way from the pre-war exchange standard to a new gold bullion standard on to which, if India so desires, a gold currency may eventually be grafted, so that the standard would then be a gold currency standard. The gold bullion standard, proposed by the Commission, offers India a currency system in no way inferior and in no essential feature different from the currency systems in force in the great countries of the West, in particular England and the United States of America.

With this preamble I am now ready to ask the House to turn to the specific features of the Bill under consideration. This Bill is introduced directly in accordance with the Commission's recommendations. It is not the final legislative outcome of their Report. I should myself feel some hesitation in advocating the acceptance of an unlimited statutory obligation to maintain exchange within the upper and lower gold points of any fixed ratio, and still more the acceptance of a gold bullion standard, unless I were assured that the control of currency and credit policy and of banking and currency reserves is to be united in one responsible authority other than Government.

And here let me make an appeal to the House and to the country. I am acutely conscious—how could I help it?—of the unhappy atmosphere of suspicion which has surrounded currency controversies in India. I have myself been the victim of this suspicion inherited from a previous period. I deplore it, though I do not think I misunderstand its origins or underrate the cases from which it has sprung. I can only say that since

I arrived in India I have striven to my utmost in the advice I have tendered to the Government of India to serve the financial interests of India, and of India alone, to the best of my ability and in the ways which my conscience and judgment have led me to regard as most truly beneficial to India as a whole. I am not conscious of having been guided at any time in any policy I have advocated by any motive other than the desire to serve India. (Applause). The Government of India are perfectly prepared for criticism on the ground that some other line of policy would have been or would be preferable, and ready and anxious at all times to defend and explain the point of view we have adopted, and fully prepared to admit that our critics or opponents are equally sincere in advocating some different policy. All I ask is that the honesty of our intentions, as shown in the policies adopted by the Government, should be accepted by the other side. We are now at the beginning of the discussions of the action to be taken on the Report of a Commission on Currency which I regard as epoch-making. Many obstacles, great and small, will emerge in our path towards our goal of a new and better currency system for India. Let us not conceal our differences, nor hide our divergencies of view-point, in order that we may the more readily and swiftly arrive at those conclusions which will be best for India. But I do earnestly beg for friendly collaboration, untarnished by unworthy suspicions or bitter accusations. If we can but believe in mutual good faith where we honestly differ, we are half way to agreement. The question whether the ratio of the rupee should be 1s. 4d. or 1s. 6d. is a particular point on which irreconcilable differences seem to exist in connection with this Bill. Let us fight the matter out, if we must fight, with whole-hearted pugnacity, but do let us avoid hitting below the belt on either side. (Applause.) Both sides, I am prepared to admit, believe their view to be based on the true interests of India as a whole. I repudiate as utterly baseless the suggestion that 1s. 4d. is an Indian view and 1s. 6d. a non-Indian view. Let us accept this as our starting point and not prejudice the issue by accusations of partiality or of disloyalty to India. This stage is only the beginning. If India is to secure the immense benefits which I believe are derivable from this Report, if the unique opportunity which this Report offers for the crossing of the Rubicon from an exchange standard to a gold standard is not to be let slip, our united efforts are essential. If we dissipate them now in dealing with this initial question of the ratio, our discord may result in the prize being snatched from our grasp.

This Bill is an interim one only. Nevertheless, the provisions of this Bill, when passed into law, will mean a great step forward for India in the matter of currency standard. As pointed out by the Commission in the first paragraphs of their Report, the currency system which was in operation from 1900 until the outbreak of the war, though described as a gold exchange standard system, was not in fact at the most more than a sterling exchange standard. If I may quote the words of the Commission (paragraph 4) :

“ The standard thus evolved was commonly known as a gold exchange standard, although in truth, in so far as it amounted to a definite standard at all, it was a standard of sterling exchange.”

Since under the stress of the war and of the rise in the price of silver, the rupee broke loose from its moorings and the effort of 1920 to re-establish the standard on the basis of a rupee at 2s. gold broke down, India

[Sir Basil Blackett.]

has in fact had no currency standard at all. I quote the Report again (paragraph 11) :

“ The stability of the gold value of the rupee is thus based upon nothing more substantial than a policy of the Government and at present that policy can be found defined under no notification or undertaking by the Government. It has to be implied from the acts of the Government in relating to the currency and those acts are subject to no statutory regulation or control.”

Many of the criticisms made by the Commission will be found in my own evidence before that body. Such is the system which has been in force during the whole of my period as Finance Member, and it could not have been otherwise until we were in a position to fasten the rupee once more to its moorings by statutory enactment. It was generally agreed that the fixing of a new ratio must be preceded by an authoritative enquiry, and the present is therefore the earliest opportunity that has arisen for fixation. But this Bill does more than simply fix new moorings at which the rupee may safely be anchored. It proposes to impose for the first time on the currency authority a statutory obligation to maintain the rupee within those moorings—a statutory obligation the absence of which from the old system is a feature which has been severely commented on by the Commission. The most important provisions of this Bill, therefore, are those which propose to place a statutory obligation on the Government of India so long as it remains the currency authority, to buy gold at the fixed parity of the rupee and to sell gold or gold exchange at their option at the upper and lower gold points corresponding to that fixed parity. These provisions automatically give India what she never had before, namely, a standard securely linked to gold by statutory enactment. It will no more be possible for the currency authority to allow the rate of exchange to vary above or below the gold points mentioned, or in other words, it will no longer be within the power of the currency authority to let exchange stray away from the fixed rate without coming within the mischief of statutory provisions of an Act of the Indian Legislature. In the system as it existed before the war the provision requiring the Government to give currency for gold operated to prevent exchange rising above the fixed rate, but there was no statutory obligation of any kind on the Government to prevent the rupee falling below the fixed rate, and it was entirely at the option of the Government of India and the Secretary of State whether or not they took steps, as for example, by the sale of what were known as Reverse Councils, to prevent the rate falling. Under the new arrangement, once the Bill is passed into law, this will no longer be possible. India will have definitely advanced on to a statutory currency standard, for the first time since the closing of the mints to silver in 1893. The Commission lay great stress on this part of their recommendations in paragraph 166 of the Report where they say that :

“ We desire expressly to emphasise that this recommendation as to the transition period is of the essence of our proposals. The Government of India should at once publicly announce its acceptance of the obligation as defined and should fulfil it without variation during the period of transition. We are of opinion that this obligation should be embodied in statutory form.”

It is in pursuance of this recommendation—a recommendation for immediate action—that the Government of India now come before the Legislature with a Bill which will embody in statutory form the public announcement already made by the Government of India of its acceptance of the obligation.

The statutory enforcement of this obligation is then the first and main purpose of this Bill, but it is obvious that the Government cannot undertake a statutory obligation to buy gold and to sell gold or gold exchange at the gold points of the accepted gold parity of the rupee unless there is an accepted gold parity fixed by Statute. It is true that there is a Statute at present in existence fixing the gold parity of the rupee at 2s., but that rate has never been operative and, as stated by the Currency Commission, the Government of India have long since publicly abandoned any attempt to restore the 2s. rate. It is therefore necessary to fix the rupee at some new rate, and the rate chosen is 8.47512 grains of gold per rupee, which corresponds to an exchange rate of 1s. 6d. gold. This is the rate recommended by the Royal Commission, subject to a Minute of Dissent by one member. The Government of India agree with the Commission's recommendation. The arguments for and against are fully set out in the Report of the Commission, and the arguments against are supplemented in the Minute of Dissent. I do not propose at this stage to enter into arguments in support of the particular rate adopted in the Bill. Such discussion will come much more conveniently when we are considering the Bill clause by clause. The principle of the Bill, so far as the fixation of the rate of the rupee is concerned, is not dependent on the question what that rate should be. The principle of the Bill is that the time has come when a stable and effective rate should be fixed for the rupee in place of the ineffective rate of 2s. now on the Statute-book. In short, the principle of the Bill is that the time has come to stabilise exchange by Statute. It is true that there are still some people who are afraid of stabilising the exchange. They have seen the enormous fluctuations to which the exchanges of the world have been exposed in the last 10 years, the widespread economic confusion of the war and post-war period and the immense fluctuations in prices, and they are alarmed lest by once more anchoring the rupee India may be exposed to perils owing to economic disturbances in other countries. The Commission have examined this point in paragraphs 168 to 173 of their Report and have come definitely to the conclusion that :

" There is not in our opinion any event in the foreseeable future which would be likely to make conditions more favourable for the purpose of stabilisation than they are at present and the outcome of which ought therefore to be awaited, and we are in consequence of opinion that stabilisation should be effected forthwith."

In paragraph 171 they say :

" A stable exchange is an inestimable boon and it should not be sacrificed or postponed for the sake of a security that is so absolute as to be unobtainable in the practical world."

I do not think many people will question the wisdom of this conclusion. The cry all over India is for stability and the sooner we finally fix the rate of exchange of the rupee the better chance is there for improved economic conditions all over India, for agriculture, for industry, for commerce. The substitution of certainty for uncertainty will be welcomed by everyone and cannot fail to bring economic and social benefit to the country as a whole. Instability inevitably brings undeserved losses upon the people of a country and it is only the speculator and the profiteer who can gain thereby, at the expense of both the producer and the consumer. As I have already said, I do not propose to pursue the question of the rate further at this stage and argue the reasons for preferring 1s. 6d. to any other rate. The only point which I make is that stability of the rupee ensured by Statute is desirable and desirable at once.

[Sir Basil Blackett.]

I have now dealt with the two points of principle which arise on this Bill and on which Honourable Members will be called upon to vote when the question is put that the Bill be taken into consideration. The first point is that the rate of exchange for the rupee should be fixed by Statute and its maintenance at that fixed rate ensured by the imposition of a statutory obligation on the currency authority to maintain it within the gold points, and that it should no longer be at the option of the currency authority, as it was in the past, to let it fall below the lower gold point. The second point is that the time has come for fixing, in place of the present ineffective rate of 2s. contained in the Statute passed in 1920, a new rate which will be at once statutory and effective. Everything else in this Bill is subsidiary and will be better dealt with when we come to the clauses.

It may, however, be useful if I explain the clauses very shortly at this stage. They are obviously very technical in form, but they are really very simple in substance. Under the Indian Paper Currency Act, 1923, the rupee is valued at 11.30016 grains of gold, which corresponds to a rate of exchange of 2s. for the rupee. This figure is altered by clauses 2 and 3 of the Bill to 8.47512 grains of gold per rupee, that is, the amount of gold corresponding to an exchange rate of 1s. 6d. In the second place, under the Indian Coinage Act, 1906, and the Indian Paper Currency Act, 1923, the sovereign and the half-sovereign are legal tender at the rate of Rs. 10 for one sovereign. The Bill now before us proposes in clauses 2 and 3 to take away the legal tender character of the sovereign and half-sovereign in India altogether. It may be asked why do you take away the legal tender character, why not simply make the sovereign legal tender at the rate of Rs. 13.3 per sovereign instead of Rs. 10 at present? The answer to this question is contained in paragraphs 65 and 66 of the Report of the Commission. The obligation to sell gold bars for all purposes which is the essential feature of the gold bullion standard which they recommend, makes it impossible to have any gold coin as legal tender without risking the stability of the new system which they recommend. In order to stabilise the rupee at the new ratio it is necessary to alter all those sections in the existing Acts which fix the ratio at 2s. It is clearly impossible, therefore, to leave these sections as they stand. You cannot at the same time lay down by Statute that the rupee shall be legal tender at 8.47512 grains of gold per rupee and leave in the Statute-book a section which says that the sovereign shall be legal tender in India at a rate based on the equivalent of 11.30016 grains of gold per rupee. The existing sections obviously cannot be left as they stand. The recommendation of the Commission is that the sovereign and the half-sovereign should be demonetised in order to enable the new gold bullion standard which they recommend to be brought into force. It would therefore be clearly contrary to the recommendations of the Commission if in the legislation now before us we were to make the sovereign and the half-sovereign legal tender at a new rate. I observe that in the Minute of Dissent, paragraph 53, Sir Purshotamdas Thakurdas states that he is unable to appreciate the necessity for the demonetisation of the sovereign, but he goes on to say that as nine of his colleagues are convinced of the necessity as essential to the establishment of the gold bullion standard, he is prepared to view with diffidence his inability to see eye to eye with them and does not press his objections beyond recording his own opinion. When we come to the clauses I hope that I shall be able to satisfy him and the House that the recommendation is a necessary one.

For the present I content myself with showing that it was necessary to include in this Bill provisions withdrawing the present statutory valuation of the sovereign as the equivalent of Rs. 10 and that these provisions are an essential part of the action required in order to establish a new ratio for the rupee. In voting that the Bill be taken into consideration the House will not be prejudging their action on the clauses in any way. I have now explained clauses 2 and 3 of the Bill. It is in these clauses that provision is made for fixing a new ratio for the rupee.

Clauses 4 and 5 provide for the imposition of a statutory obligation on the currency authority to maintain the rupee at the new ratio by buying gold at the fixed rate corresponding to the new ratio, and by selling gold or gold exchange at their option to anybody who demands it in amounts of not less than 400 oz. fine in the case of gold or the equivalent in case of gold exchange, thereby ensuring that exchange will not fall below the lower gold point. Here again the provisions are of a very technical character and it will be best to leave their detailed examination till we come to take those clauses into consideration. There is nothing else in the Bill except one small point where, as explained in the Statement of Objects and Reasons, the opportunity has been taken to mend a very minor hole in the Currency Acts. I need not dwell on that now.

In order to avoid unnecessary duplication of debate, I have purposely refrained in moving the second reading from arguing the case for the particular ratio of 1s. 6d. which this Bill proposes to fix. That question is not, I think, strictly relevant to the debate on the second reading, since the principle of the Bill is not that the ratio should be fixed at any particular figure but that the time has come for fixing it. There is, however, one criticism which I have heard in various quarters on which I must say a word or two, and in connection with which the question of the exact ratio is important. The Government have been accused of precipitancy in bringing this Bill before the Legislature this Session so soon after the issue of the Report. As against this I am glad to be able to record that it has been recognised in quarters which are not usually on the side of the Government, that the Government are to be congratulated on giving the Assembly the earliest possible opportunity of considering the question. It is I think a sufficient answer to those who accuse us of precipitancy to ask them what they would have said of us if we had refrained from bringing this Bill forward now and had waited till the next Delhi Session. We have been unjustly accused in the Minute of Dissent of deliberately presenting the Commission and India with a *fait accompli*. I am fully prepared to defend the Government against this accusation when we come to the clauses in which the fixing of the ratio of 1s. 6d. is embodied. Members will, if they care to do so, find the full explanation of how the *de facto* rate came into being in my evidence before the Commission. I do not deal further with that point here. My object is to explain how impossible it was for us not to bring this Bill forward now in this Session. Even the author of the Minute of Dissent admits categorically, in unanimity with the Commission as a whole (paragraph 177) that if prices in India have to a preponderating degree adjusted themselves to the 1s. 6d. ratio, that rate must be adhered to. I do not myself think that there is any valid argument to-day in favour of any other ratio, but the author of the Minute of Dissent maintains that prices have not yet adjusted themselves to 1s. 6d. and that therefore it is not too late to adopt his pet figure of 1s. 4d. Now it was clearly incumbent on the Government as soon as the Report issued to

[Sir Basil Blackett.]

prevent wild fluctuations and unhealthy speculation in exchange by announcing what their view was in regard to the ratio and their intention of maintaining the rupee at that ratio in the interval between publication and the carrying of legislation. What would have been said of us if we had deliberately ignored, flouted, insulted the Legislature? I can hear the torrent of accusation gathering force and rolling forth in the House and in the Press if we had quietly expressed our intention to maintain the ratio of 1s. 6d. without asking for any expression of opinion from the Legislature from August to February. It was clearly unthinkable that we should do otherwise than we have done. We were bound to bring the matter before the Legislature at once as we are now doing. Further, the Bill we are promoting is promoted in direct accordance with the very strong recommendation of the Commission that we should take interim action on these lines forthwith. Finally, is it not obviously in the interests of India that the market should not remain in uncertainty a moment longer than necessary, that the busy season ahead of us should not be hampered by hesitations and doubts and an instability that was no longer unavoidable? Whatever may be said of the particular manner in which the Bill proposes to settle the question, it is an injustice to the Government to accuse them of acting in a precipitate manner, contrary to Indian interests and in violation of public wishes. I recognise that the time available since the issue of the Report has not been as long as many Honourable Members would have desired. The Government themselves would have found it more convenient to have had greater leisure for framing their decisions and considering their procedure. They would have been glad to give time for the merits of this excellent Report to win it the universal support it deserves and will surely earn as time goes on. They would have been glad to have been able to come before the Legislature with a complete statement of their views on the Commission's recommendations as a whole and thus to have avoided the accusation of piecemeal legislation. We have done what we could to minimise the inconvenience for the public and for Members of the Legislature by arranging for the Bill to be printed in the Gazette on the 7th August. The text of the Bill has thereby been made available for consideration nearly a fortnight earlier than would otherwise have been the case, but if some little inconvenience has been unavoidable, it is due to circumstances which were entirely beyond the control of the Government. Once the Report was issued, no option remained for the Government but to announce that, pending consultation with the Legislature, they would maintain the ratio at 1s. 6d., and once they had made this announcement, it was essential that the interval before consultation took place should be as short as could reasonably be arranged. It is true that with a good monsoon exchange is now shewing strength and that during the next six months any action by the Government to maintain exchange is likely to take the form of action to prevent its rising above 1s. 6½d. as in 1924 and 1925, and that a fall is unlikely so that no question of the sale of sterling is expected to arise during that period. But we cannot leave the market indefinitely with the threat hanging over it that suddenly the ratio may be altered overnight from 1s. 6d. to 1s. 4d. as the result of a vote in the Assembly. This is a very serious threat for all those who have business transactions dependent on the rate of exchange. It is not a gentle and imperceptible change from 1s. 6d. to 1s. 4d. which has to be envisaged, but a sudden and catastrophic fall. Clearly the Government had no option but to bring the subject at once before the Legislature

and offer them the opportunity of considering it without delay, if they so desired.

Some of the amendments to this motion which appear on the order paper involve postponement of the Bill till another Session. I need not at this stage anticipate what the Government attitude will be to those amendments, beyond saying that the Government fully recognise the strength of the desire in various quarters of the House to secure ample time for a considered judgment.

I revert then to the main question. Three questions are before us for decision at this stage. Do the House think that the time has come to stabilise the rupee at a ratio which will at once be statutory and effective ; do they wish to impose a statutory obligation, never before imposed, on the currency authority to maintain the ratio thus fixed in all circumstances ; and do they wish immediate legislative action to be taken in advance of the consideration of the other recommendations in the Report ? It is the unanimous recommendation of the Currency Commission that these steps should be taken. I commend the Bill to the House.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muham-

3 P.M.

madan Urban) : Sir, it is with great diffidence that I rise to speak on the motion which has just been made by my Honourable friend, Sir Basil Blackett. Let me begin by moving the motion which stands in my name, that the Bill be circulated for the purpose of eliciting opinions thereon. I am perfectly alive to the urgency of the measure now before this House ; and notwithstanding that knowledge I feel we will be failing in our duty if we proceed to a full and detailed consideration of this important measure at this stage. Before I proceed to detail the reasons which influence me in making this motion, let me in the first place join the Honourable the Finance Member in paying a tribute of praise and congratulation to the Members of this Commission. They began their work unfortunately in an atmosphere of prejudice, and, having regard to the very abstruse nature of the subject and the difficulties surrounding it, we cannot but admire the able and lucid Report which they have presented to us. I for my part am prepared to give them full credit for their honesty of purpose, and I am also quite prepared to believe that in making the recommendations they have made they are endeavouring their best to serve the interests of India primarily. At the same time I must also say a word as regards the Finance Department of the Government of India. Having read the materials which they placed before the Commission, I am struck with the ability which they have displayed and the impartiality which they have shown in placing all the materials before the Commission.

This country, Sir, has long been hankering after a gold currency, and notwithstanding perhaps the adverse attitude which persons at home may take to such a proposal the Government of India, with their eye solely on the interests of India, have had the courage to put forward that proposal before the Commission, and they have not hesitated to support it with arguments in great detail. Sir, I am sure we must acknowledge the great ability which the Honourable the Finance Member has shown during the last four years of his career in India. He has pulled up the credit of this country. The financial credit of this country is something unprecedented, when once we remember the great struggle we had with our financial questions. The great success which has attended his efforts

[Diwan Bahadur T. Rangachariar.]

in raising loans at such cheap rates of interest is a marked testimony to his capacity and ability. Sir, we all have our biases, intellectual or otherwise ; and I am sure the Honourable the Finance Member is not free from that bias which is a human weakness. I am myself alive to the bias which I have in this matter which affects my country so deeply. If I were to be influenced by my own self-interest I should jump at once at the Report of my Honourable friend, Sir Purshotamdas Thakurdas, for his proposal would benefit me individually, since I am a producer and I produce more than enough for me and I sell a lot, and, therefore, high prices are bound to benefit me personally. But at the same time, Sir, we have to look to the interests of the country at large, and that is a question which is beset with considerable difficulties. I must confess—I do not know how other Honourable Members are situated in this matter—that I am at sea when I read this Report. I have read it twice ; I have read it thrice. (*An Honourable Member* : “ Read it again ”.) My Honourable friend says “ Read it again ”, and that is the very reason why I have come forward with this proposal that the subject should be considered in an atmosphere free from the heat of the moment and in a calm and cool manner. Sir, the time for considering this Report has been rather unfortunate. Immediately on the publication of this Report an atmosphere of prejudice has been worked up to fever heat. That is hardly the way in which you can deal with such an important subject like this. We have had warnings as to how we can make mistakes in a matter like this. Although the Legislature was not to blame on that occasion, still the Government were to blame in having rushed to take action on the Report of the 1919 Committee in the way they did and having brought all that loss to this country. But it is hardly necessary to refer to it in detail. Once bit twice shy. Therefore, however great the eminent men who have sat on this Commission may be, as we, the Legislature, are asked to impose a statutory obligation on the Executive Government of this country to maintain a particular ratio, it is our duty as the representatives of the people to give our best judgment upon this matter. I do claim, Sir, that we have not had that opportunity to consider the voluminous materials which this Committee have gathered in the investigations that they have made. I can say only that I have read or rather glanced through the evidence of at the most half a dozen witnesses. I must say I read Sir Basil Blackett's evidence before the Commission. I also read Professor Jevons' evidence and the evidence of a few other witnesses ; but we have hardly had time to go through the mass of evidence contained in the four volumes of oral evidence and the appendices. They throw great light on the question—perhaps it would be very difficult to rise from a perusal of them with any accurate information—and probably we may be worse off after having read them and perhaps our instinctive preference may lead us to right conclusions ; but that is hardly the right way to do it. We must try our best. I have in my professional capacity handled engineering problems and medical problems ; but, Sir, currency and exchange problems are beyond me ; and I think they are beyond almost every Honourable Member of this House. It does not matter in ordinary matters, but when experts make mistakes on currency and exchange, I am afraid the millions of this country are bound to suffer. So we are bound to proceed with caution in a matter like this. There are many hidden avenues in this problem ; we have got hidden taxation concealed somewhere ; we have got hidden

protection concealed somewhere ; we have got hidden bounties concealed somewhere. It is very difficult to take the straight path. We are bound to tread upon the toes of our neighbours if we make a careless movement one way or the other. You have the producer on the one side and you have the consumer on the other ; you have the creditor on the one side and you have the debtor on the other ; you have the employer and capitalist on one side and the wage-earner on the other. And above all, Sir, we have the taxpayer to take into consideration. How the decision one way or the other will affect these various peoples and factors is a matter of which we can honestly say that we cannot precipitately come to a proper and sound conclusion.

Sir, the Honourable the Finance Member has told us that there are only two principles which underlie this Bill or rather he has led us to infer that the particular ratio which you may have to fix is not so important as the principles which underlie the Bill, namely, is this the time for stabilising the rupee and is the Legislature prepared to impose a statutory obligation on the Government ? I quite admit they are the principles underlying the Bill. But how are we to come to a decision on that point unless we are also prepared to say what that ratio is ? Is it enough to say : " Yes, the time has come ; yes, the statutory obligation may be imposed ? " But what is that obligation which is going to be imposed ? That is the most material point from my point of view in any proposals on the subject. What is the good of merely stating the general proposition without our being in a position to say what that ratio should be ? Sir, I have implicit faith in Sir Basil Blackett. But I am also aware that many of my countrymen feel differently in the matter. They think that 1s. 4d. is the proper ratio to fix in the interests of the country. Sir Basil Blackett thinks that 1s. 6d. is the proper ratio to be fixed. And how are we to decide the question ? We have to decide. We cannot accept their word without applying our own judgment. If it were open to me to take a back-bencher's place, either on the Government side or the Swarajist side, I would perhaps be relieved from that unpleasant duty which I have imposed upon myself. I would follow my leader implicitly just as the Government back-benchers follow Sir Basil Blackett implicitly. Unfortunately, I have to come to a conclusion myself and it is in attempting that that I find the difficulties which face me. Sir, I think we can all agree with that unanimous verdict of the Commission when they say that we all unanimously hold the view (and I think it is a proposition which it would be difficult to controvert) that, if it can be shown that prices have to a preponderating degree adjusted themselves to the existing *de facto* rate, then that rate must be adhered to. I do not think, Sir, although I have seen criticisms of that statement from the Calcutta Chamber, that they do not accept that proposition. I do not see how we can escape from that proposition. The question is : has that *de facto* rate been established ; has it been established naturally or has it been maintained by artificial means ? These are the questions which we have to ask ourselves. How are we to satisfy ourselves in this matter ? The Commission is satisfied, or rather the majority of the Commission are satisfied that that rate is the *de facto* rate and that there is not much artificiality about it. I think I am doing justice to them in stating their conclusion in that manner, that there is not very much artificiality in bringing about that rate and that it is the *de facto* rate. But, Sir, that is a matter on which perhaps people interested in the daily commerce of this country, in the daily trade of this country perhaps should be given an opportunity of either endorsing

[Diwan Bahadur T. Rangachariar.]

that opinion of the Commission or of differing from it. I am sure the many Chambers of Commerce, both Indian and European, would like to have an opportunity to pit their experience in the matter and see whether really the *de facto* rate has been established. I have seen criticisms—I do not vouch for their correctness—that the internal prices have to be taken into account in considering this question, and the internal retail prices have not been taken into account by the Commission in coming to a conclusion on that point. Whether that conclusion is right and just is a matter which can only be examined—or rather we can come to a judgment on that criticism only if we have given an opportunity to the merchants and traders of this country to consider the Report carefully and give their verdict in this matter. And again, Sir, for instance, on the question of wages for labour the Commission are not very definite, whereas on the question of adjustment of prices the Commission have come perhaps to a satisfactory conclusion. On the question of the adjustment of wages of labourers they give only a negative verdict. It is not a positive verdict. I do not know whether it is a professional method of giving a verdict on a matter like that. All that they say in paragraph 193 is :

“ On the whole, we see no reason to believe that there is any general mal-adjustment of agricultural wages.”

Well, that is not a very satisfactory conclusion for us to go upon, to say we shall accept it and accept the fixed ratio at 1s. 6d. as they recommend, because it is all-important. Agriculture is the backbone of this country. Nearly 70 per cent. of the population depend upon it and if really it is going to have an adverse effect on this class and if they have not adjusted themselves to this *de facto* rate, then I think it is time that we should consider that question very carefully. And so, similarly, there are many points I dare say which persons better acquainted with the subject will be able to fix their attention upon and give us the benefit of their advice. I do not at all blame the Government, Sir, for bringing forward this measure. On the other hand, I quite agree it was their duty to bring up this Bill to this House before it is dissolved. It has elicited public attention, it has rivetted public attention on this important Report of this Commission. You have aroused public attention. You have aroused intelligent criticism on this subject and, having regard to the action which it is still open to Government to take to maintain the ratio, not to allow it to go up beyond a certain stage or to go down beyond a certain stage, that power is still there, it is not in any way curtailed ; no great harm will be done by our not passing this measure at once. There will be no violent fluctuations because, still the Government have got the executive power which they propose to exercise and which by this motion we allow that they exercise, for otherwise fluctuations may take place. But there is this note of warning which perhaps as a layman and as a man in the street I may venture to give. I venture to give the advice on the authority of Sir Stanley Reed, whose evidence before the Commission I read with great care. He rather deplores the fact that the Government took the action it did in April of this year in offering to sell Reverse Council Bills when there was a downward tendency. He wished that, if really there was a real downward tendency, it should have been allowed to play its part and this artificial method of keeping it up should not have been adopted, for really you cannot come to a satisfactory conclusion as to

what is a *de facto* rate if really artificial means were resorted to during the time the Commission was sitting. Well, I think there is a great deal of force in that criticism. Although the Commission seem to ignore that criticism, I rather think, Sir, it was a pity the Government did it. The *de facto* rate would have been satisfactorily established if really that action had not been taken. I am sure the Honourable the Finance Member was right when in 1924 he anticipated that the ratio is not going to be 1s. 4d. but going to be 1s. 6d. I agree with him perhaps in his estimate of the probabilities of the case, because events seemed to tend in that direction. But can he say distinctly that the events have tended in that direction? Unless we are satisfied about that point—I daresay the Honourable the Finance Member is satisfied about it—having regard to the great divergence of opinion on a matter like that, would any great harm be done by our delaying the consideration of this measure till the next Session? By then I am sure prices also will give ample proof that they have adjusted themselves to this 1s. 6d. ratio. It will therefore be additional evidence in favour of the Commission's recommendation. We will gain some experience. Notwithstanding the uncertainty created by the introduction of this Bill and other things, if the market shows that tendency, and if, in the meanwhile, prices also show that tendency, that will be additional evidence in support of the Commission's recommendation. Therefore, Sir, I think that this is a matter in which some time should be given to us to consider this question. Let us have time to peruse this valuable Report and study it and understand it. Although some of us may not be here, I am sure most of us who are present here will be returned to the next Session. I myself do not expect to be here, (*Voices* : "Oh!") but that is another question. At the same time, Sir, I think the country expects its representatives to study this most important question in all its details because it is a matter of great importance. This is the first time, as the Honourable the Finance Member has told us, that a statutory obligation is to be imposed upon the Executive Government of creating a particular ratio. If they do it of their own accord we do not mind it, because they are well-informed. If Sir Basil Blackett comes to the conclusion that this is the right solution to adopt, he is best fitted to do it. But so long as he asks us for our approval to this ratio, we must plead for more time to consider this question in order to give our deliberate verdict.

I have got one more reason in support of the position which I have taken up to-day, and that is this. In paragraph 167 the Commission point out :

"We desire to emphasise that our recommendations in the preceding sections of this Report should be regarded as a comprehensive whole and that modifications of any of their integral parts involve the danger of destroying their balance and preventing the efficient and smooth working of the whole."

The above sections include 166 on which action is proposed to be taken by this Bill. Now, what is the effect of this Bill? As the Honourable the Finance Member has pointed out, he has taken hold of perhaps the least important portion of the recommendations of the Commission for legislative action. He is right in doing that. But at the same time would it not be better that the whole thing should be considered together? What we have now is the gold exchange standard. With the gold exchange standard the Honourable the Finance Member asks the Legislature to impose the legal obligation upon the Government of

[Diwan Bahadur T. Rangachariar.]

maintaining a particular ratio, whereas the recommendation of the Commission is that that statutory obligation should be imposed with a gold bullion standard. I see nowhere—I am subject to correction—any recommendation that this piece-meal action should be taken in the first instance before the Government have come to a decision on the two other main recommendations of theirs, namely, the transference of the authority of the Executive Government to a Central Bank controlling exchange and currency and secondly a gold bullion standard. The Honourable the Finance Member described this as a transitory measure. Transitory to what? Have you decided upon where you are going in order to make this transit? You have left that undecided. You still maintain the gold exchange standard. The Government say that they have had no time to consider that important recommendation. They recognise in their press communiqué that the Government and the public should have time to consider these two important recommendations. That being so, how can you consider this transitory measure before you decide where you are going to (Hear, hear), where you are transiting to? Let us know it. I do consider, Sir, that this recommendation of the Royal Commission, which has been taken out of its place in this Bill, is part of the main recommendation on these two items. It is transitory to those two recommendations, namely, a Bank which will control currency and exchange and secondly the gold bullion standard. Let us first of all determine upon that before we impose this transitory measure. In the meanwhile, by all means let the Executive Government go on exercising their executive power in the way they have done. They have done it wisely. We have no reason to grumble. We have no reason to quarrel with the way in which the Finance Department have handled our currency and exchange in the last few years. (*Mr. T. C. Goswami* : “Question”.) However much you may question, I have nothing but admiration for the way in which the Finance Department have handled the exchange and currency of this country during the last four years. I know where I was in 1921. I know where I was in 1922 when we had to deal with the Budget. (*Mr. Jamnadas M. Mehta* : “Where are you now?”) I know where I am now. (Laughter.) I do think, Sir, that the thanks of the country are due to the Finance Department. Nobody can deny that. Any one who has followed the financial crises of this country cannot but be struck with the ability with which the finances have been handled, but that is another question. However much I may give credit to my Honourable friend Sir Basil Blackett, I am not prepared to place implicit faith in his judgment in a matter of this sort. (Hear, hear). For, as I said already, he is also liable to bias. There is likely to be bias because every non-Indian in this country benefits by 1s. 6d. When he remits his surplus, his savings, he benefits thereby. 1s. 6d. is a profit to him.

The Honourable Sir Basil Blackett : No.

Diwan Bahadur T. Rangachariar : Every non-Indian manufacturer benefits thereby. It is a profit to him.

The Honourable Sir Basil Blackett : No.

Diwan Bahadur T. Rangachariar : My Honourable friend may deny it; but that is my impression—my conviction rather. I

have a bias in favour of my own country. So, my Honourable friend Sir Basil Blackett must have a patriotic bias in favour of his own country. But I do not say that I flout his judgment. I want to examine that judgment for myself. I want opportunities for considering that judgment. I want the country to have an opportunity of considering that judgment. So, Sir, I move this motion :

“ That the Bill be circulated for the purpose of eliciting opinions thereon.”

The Honourable Sir Alexander Muddiman (Home Member) : Sir, if I intervene rather prematurely in this debate it is with the object, if possible, of saving the time of the House by indicating very briefly the view which the Government take of the motion so ably made by my Honourable friend. Before I proceed to say anything further, let me remark that from the speech he has just delivered there arises some doubt as to the necessity of the motion because he appears to have studied the Report with considerable skill, if I may say so. The position, as was stated by the Honourable the Finance Member, is that it was the obvious and imperative duty of the Government to bring this measure in for the reasons that he gave the House, and I understand that my Honourable friend (Diwan Bahadur T. Rangachariar) also takes that view. His case in a nutshell is very simple. His speech is really nothing more than a plea for time. He says he has not had time to read this valuable Report and the connected documents and that other Honourable Members also have not had time. He desires to study them even more fully than he has already done. I gather that my Honourable friend is rather rash by nature, for in the course of his speech he said, unless I misunderstood him, that at one time he engaged in medical practice. (Laughter.) Well, Sir, my Honourable friend might have told us what happened to his patients !

Diwan Bahadur T. Rangachariar : I said that I study and understand medical matters in order to cross-examine witnesses.

The Honourable Sir Alexander Muddiman : I beg my Honourable friend's pardon. But it at any rate indicates that he is naturally inclined to be rash in his actions, and, therefore, the fact that he feels that this is a subject which must be approached with great deliberation must weigh very much with me, knowing his natural tendency to take risks. The Government most certainly have no wish to thrust this Report down the throat of an unwilling House. They do not desire that Members should be deprived of an opportunity of discussing a document which I think my Honourable friend rightly designated as epoch-making—a document which will undoubtedly have the greatest influence on the future financial policy of this country for a long term of years. Without delaying the House further, I will say in a word that, if there is on the part of this House any general desire that the motion moved by my Honourable friend should be given effect to, the Government will not oppose it and indeed will support it.

Mr. M. A. Jinnah (Bombay City ; Muhammadan Urban) : I congratulate the Government upon realizing the necessity of supporting the amendment of my Honourable friend for the circulation of this Bill for opinions. Sir, I cannot follow the various reasons which the Honourable Mover gave in support of his amendment. I think, having regard to his admiration for Sir Basil Blackett, he quickly followed his advice and showed wholehearted pugnacity. But I want to make the position clear as far as we are concerned. I am glad, as I said, that the Government have recognized the necessity of accepting and supporting this

[Mr. M. A. Jinnah.]

motion. Sir Basil Blackett, the Finance Member, said that the Government were bound to come to this House at the earliest opportunity. Instead of continuing the policy underlying the recommendations of the Royal Commission by administrative measures or executive measures, they thought that they would at the first opportunity come straight to this House and get the decision of this House. But at the same time he himself recognized and admitted that at this moment the Government of India are not prepared to announce their decision with regard to the entire recommendations of this Commission which in the words of the Commission are absolutely interdependent. They say :

“ In conclusion we desire to emphasise that our recommendations in the preceding sections of this report should be regarded as a comprehensive whole and that modifications, if any, of their integral parts involve the danger of destroying their balance and so preventing the efficiency and smooth working of the whole.”

Now, Sir Basil Blackett admitted, speaking on behalf of the Government of India, that he was not in a position to declare the policy of the Government beyond the Bill. On the contrary he said that he could not and had no authority to announce decisions on any other recommendations of the Commission except those embodied in the Bill which is now before the House. Naturally the question arises as to why the Government of India are not in a position to announce their decision. The answer is obvious, that the India Office and Whitehall have not yet made up their mind, and so the subordinate branch of the administration in India cannot possibly say anything more than what their masters permit, and hence this Bill, which is admittedly piecemeal legislation. Yet I am surprised to find that we are asked to give our decision on this particular point. Now, Sir, apart from the other question with which I am going to deal, is that fair to the Government of India or is it fair to this House ? Apart from the question whether this House decides upon 1s. 6d. or 1s. 4d., what is the attitude of the Government with regard to the other recommendations of this Royal Commission ? They themselves are not ready. Therefore it is obvious that this Bill cannot really be discussed under these circumstances. The other reasons I do not wish to repeat, but I must say that I do not agree with my Honourable friend the Mover that there is not a single Member on this side who is competent to speak regarding this question. I think we have got some Members who are capable of discussing this question, and capable of putting before us materials which will enable some of us, who are more or less in the position of laymen, to concentrate our minds on the questions, and we may also be able to come to a sound judgment if we patiently study this question and proper time is given. But we find that this Report was published on the 4th August, and, as regards the volumes of appendices and evidence, they were published a few days ago. I did not bring these volumes with me because I anticipated that this matter would probably be adjourned, but I can assure you there would not have been room in my rickshaw to carry them. They run to something like 2,000 pages. Well, do you expect the Members of this House within a few days to go through all those materials and form an intelligent judgment ? (*Mr. K. Ahmed* : “ Hear, hear ”.) Sir, when I put the question to Sir Basil Blackett the other day as to how long it would take an ordinary man to go through those papers, he replied that I could judge for myself when I had seen them. Well, Sir, our Finance Minister is a superman. I, as an ordinary man,

can assure him and this House that it will certainly take a very very long time, and I think that if the Honourable Members are ready to discuss it by January next I should congratulate this House. Therefore, Sir, I am very glad that the Government have accepted this motion and are prepared to support it ; and so there is an end of it.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : Sir, I wish to make a few remarks in support of the proposition which has been so ably moved by my friend Diwan Bahadur Rangachariar. Sir, I do not complain of the action of the Government in bringing forward this Bill at this time of the year. They no doubt have very good reasons for bringing it forward and I am not disposed to quarrel with them. But, on the other hand, I hope the Government also appreciate the position in which we are placed and the difficulty we are labouring under in arriving at a proper conclusion in regard to this intricate subject. The evidence upon which the Commission came to a conclusion extends to something like 1,500 printed foolscap pages, and it was placed on the table of the Library only a few days ago. Very few of us have had the time to go through this mass of evidence. There is a duty lying upon us all to go through the materials for ourselves and come to some sort of independent judgment upon the Bill which has been submitted to this House. So far as I am personally concerned, I have not been able to read these terrifying volumes of evidence, reports and documents.

Sir, there is one aspect of this Bill upon which I should like to make some remarks. The Honourable Sir Basil Blackett very rightly laid stress upon the importance of the provision in the Bill which imposes upon the Government the obligation to buy gold and to sell gold or gold exchange. That is one of the cardinal features of this Bill. But the provision does not really go far enough. The most important requirement now of the currency situation is to link the currency to gold in such a manner that it cannot possibly be manipulated in the way that it has been in the past. While clause 4 of the Bill authorises the Government to buy gold, clause 5 does not lay any obligation upon the Government to sell gold to any person who may demand it. The option is given to the Government of selling either gold or gold exchange at their own will and pleasure. Now what does that mean ? It means that the Government have the liberty to refuse to give gold, and it gives them the liberty to offer gold exchange. That is a position which is not fair. The present standard is a gold exchange standard, and we shall be in precisely the same position, if the Government are not bound to give us gold bullion at all, but are entitled to give gold bullion or gold exchange as they choose. That seems to me to be the cardinal defect of the Bill. I should like here to pay my tribute to the very able minute of Sir Purshotamdas Thakurdas. Though I may not agree in his conclusions, I cannot help admiring the great ability of that dissenting minute. If there is one thing which Sir Purshotamdas Thakurdas has succeeded in demonstrating, it is this, that the past record of the authorities in dealing with the currency problem has not been at all creditable. I do not intend to bring any charge against the Finance Department of the Government of India or the Government of India themselves. So far as their record goes, it shows that they have always endeavoured honestly and to the best of their ability to stand by the people of India, to represent their

[Sir P. S. Sivaswamy Aiyer.]

wishes in this matter, to fight for the principles which were laid down by the Fowler Committee as early as 1898, and to give this country that currency which the people desire. Sir Purshotamdas Thakurdas has succeeded in showing that various departures have been made from those recommendations, and that all these departures have been made at the instance of Whitehall. We may have abundant faith in the integrity, the sympathy and the good intentions of the Government of India, but are we prepared to say the same thing of the wire-pullers of Whitehall? Are we in a position to say.....

Mr. President : Order, order. These things are hardly relevant to the motion before the House.

Sir P. S. Sivaswamy Aiyer : Sir, I am referring to these matters for the purpose of showing that we cannot rest content with the position taken in the Bill, and that unless it is possible for the Government to give us a more satisfactory assurance on this subject, it will not be possible for us to give our approval to the Bill : and I desire that the opportunity which will be given by this dilatory motion will be utilised by the Government for the purpose of reconsidering the matter and giving us a satisfactory assurance on this question and committing themselves in the Statute to a declaration that they will be bound, at any particular time which they may choose to mention as soon as the transition period is over, to give gold in exchange to any person who wants it. That is one of my reasons for supporting this motion which has been brought forward by my Honourable friend. Upon the other question, Sir,—with regard to the ratio—I find that the time which has been given to us to make up our minds is not really sufficient. We require to study the evidence, and we require time to come to a really considered conclusion upon the question whether the ratio that is proposed in the Bill is the proper ratio or some other ratio should be adopted. For these reasons, I support the motion which has been moved by my Honourable friend.

Mr. President : The original question was :

“ That the Bill further to amend the Indian Coinage Act, 1906, and the Indian Paper Currency Act, 1923, for certain purposes and to lay upon the Governor General in Council certain obligations in regard to the purchase of gold and the sale of gold or gold exchange, be taken into consideration.”

Since which the following amendment has been moved :

“ That the Bill be circulated for the purpose of eliciting opinions thereon.”

The question I have to put is that that amendment be made.

The motion was adopted.

THE INDIAN FACTORIES (AMENDMENT) BILL.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I beg to move that the Bill further to amend the Indian Factories Act, 1911, for a certain purpose, be circulated for the purpose of eliciting opinions thereon.

Honourable Members will no doubt recollect that the Indian Factories (Amendment) Bill, as introduced by me in this House in September

1925, included provisions for the maintenance of a reasonable temperature in every factory and for the grant of power to Factory Inspectors requiring factory managers to carry out specified measures for maintaining a reasonable temperature in their factories. When the Bill was circulated for opinion these specific provisions gave rise to a certain amount of adverse criticism, though the principle underlying the provisions received almost unanimous support. The majority of the Select Committee which sat on the Bill and which submitted its report on the 9th March 1926, however, decided to eliminate the provisions. They expressed the opinion that those provisions, or even a provision which would enable the Local Government by rules to lay down standards of temperature suitable for various localities and various classes of factories would, until an adequate investigation and research in regard to this very difficult problem had been completed on a far more thorough scale than heretofore, impose a real burden upon employers and would only be a problematical advantage to the employees.

When the Bill as amended by the Select Committee came up for consideration in this House on the 17th March 1926, my friend Mr. Joshi moved an amendment restoring the provisions excised by the majority of the Select Committee. The amendment was opposed by my friend Mr. Kasturbhai Lalbhai ; and for reasons which I gave on that occasion, I was unable on behalf of Government to accept the precise amendment proposed by my friend Mr. Joshi or to propose any modification of that amendment. I promised, however, to bring up the matter for discussion at the next Session of the Assembly. To implement that promise I have introduced the Bill now before us. It is based largely on suggestions received from the Bombay Government and from one or two other sources. At the same time I cannot overlook the fact that the majority of the Select Committee which dealt with the Factories Amendment Bill last Session were not in favour of the provisions now proposed by me. After my visit to some of the textile factories in Ahmedabad and Bombay in April last, I have no doubt in my own mind that in the interest of the welfare of the labourers some action in the direction contemplated in the Bill now before this House is necessary ; and I am sure that my friend Mr. Kasturbhai Lalbhai who was kind enough to show me round some of the Ahmedabad mills will now agree in this view. At the same time, I am not so sure about the efficacy from the practical point of view of the specific provisions included in the Bill before the House, and it is possible that people with a better knowledge of the conditions than I possess may be able to suggest a more practical remedy. It is for this reason that I am moving that the Bill be circulated for eliciting opinion. I know that the result will be that the Bill will be dead so far as the present Assembly is concerned ; but we hope to be able to collect the information in the next four or five months and bring up the matter again in the next Session of the House. The delay involved will not be of any importance from a practical point of view ; for even if I had moved the House to pass the Bill in its present form and the House were inclined to this course, it would take some months, if not years, to make the provisions of the Bill effective. That being the position, I submit that I am justified in asking that the proposals embodied in the Bill before the House should be subjected to more careful scrutiny at this stage. Sir, I move the motion.

The motion was adopted.

THE USURIOUS LOANS (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move that the Bill to amend the Usurious Loans Act, 1918, for certain purposes, be taken into consideration.

I explained this Bill when introducing it. I have received no notice of amendment or suggestion. I therefore move that the Bill be taken into consideration.

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President : The question is :

“ That clause 3 do stand part of the Bill.”

Diwan Bahadur T. Rangachariar : May I ask, Sir, why 12 years is considered necessary in this matter ?

The Honourable Sir Alexander Muddiman : We considered the matter in consultation with Local Governments and we think that most of the transactions which come under notice under this Act are very complicated and go back to a long period ; we have therefore substituted 12 years for 6 years.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman : Sir, I move that the Bill be passed.

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (SECOND AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, with regard to the Bill further to amend the Code of Civil Procedure, 1908, I should like to explain that I do not make the motion, because amendments have been received and have to be considered. I will put it down for the next Government day.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I beg to move that the Bill further to amend the Workmen's Compensation Act, 1923, be taken into consideration.

Sir, this is a simple Bill and its sole object is to give effect to a Resolution which was passed by both Chambers of the Indian Legislature recommending to the Governor General in Council the adoption of a certain Draft Convention passed at the Seventh Session of the International Labour Conference held at Geneva in 1925. It is not necessary for me to add anything to what is contained in the Statement of Objects and Reasons.

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President :—The question is :

“ That clause 1 do stand part of the Bill.”

Sir Walter Willson (Associated Chambers of Commerce : Nominated Non-official) : I do not know whether it is better to address you under clause 1 or clause 2, but I would like to ask the Honourable Member before this Bill is passed what countries.....

Mr. President : The Honourable Member may reserve his remarks for the third stage of the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Bhupendra Nath Mitra : Sir, I move that the Bill be passed.

Sir Walter Willson : Sir, before we proceed to pass the Bill, I would be glad if the Honourable Member could give us some information as to what countries have accepted the Convention and which of them have amended their Workmen's Compensation Act to include the provisions now suggested for adoption in India by the proposed amendment.

The Honourable Sir Bhupendra Nath Mitra : I am sorry, Sir, it is not possible for me to give a complete answer to that question at this stage. I know that the labour laws of several countries as they already stand provide for the grant of workmen's compensation in connection with occupational diseases similar to those for which provision is being made in the Indian law. If my friend wants complete information on the subject, I will have to ask for a little more time and I shall supply him with the information. The information is generally published in the Labour Bulletins issued from Geneva.

Sir Walter Willson : I thank the Honourable Member.

Mr. President : The question is :

“ That the Bill further to amend the Workmen's Compensation Act, 1923, be passed.”

The motion was adopted.

THE NEGOTIABLE INSTRUMENTS (INTEREST) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir,

I beg to move that the Bill further to amend the Negotiable Instruments Act, 1881, and the Code of Civil Procedure, 1908, for certain purposes, be taken into consideration.

When I introduced this Bill, I explained its objects. It is a very simple Bill and is non-contentious. I have received no notice of amendments. I move, Sir.

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman : Sir, I move that the Bill be passed.

The motion was adopted.

The Honourable Sir Alexander Muddiman : Sir, the remaining Bills on the paper are Bills which require some discussion and, as the business has broken down to-day rather unexpectedly, I propose, with your permission, to take them up on Wednesday.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 24th August, 1926.

LEGISLATIVE ASSEMBLY.

Tuesday, 24th August, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock,
Mr. President in the Chair.

QUESTIONS AND ANSWERS.

RECOGNITION BY THE AGENT OF THE NORTH WESTERN RAILWAY OF THE UNION, OF WHICH MR. M. A. KHAN IS THE GENERAL SECRETARY.

205. *Khan Bahadur W. M. Hussanally : (a) Are Government aware that a letter No. U-225|26, dated 2nd June, was written by Mr. M. A. Khan, General Secretary, to the Agent, North Western Railway, on the subject of recognition of his Union which has not yet been answered ?

(b) Are Government aware that a copy of the same letter was sent to the Secretary, Industries and Labour Department, Government of India, under his No. U-349|26, dated 8th July 1926, and if so, what action do the Government propose to take on that letter ?

The Honourable Sir Charles Innes : (a) and (b). From a copy sent to them, Government understand that the letter mentioned by the Honourable Member was written to the Agent of the North Western Railway. Government do not propose to take any action on the copy of the letter sent to them.

EMPLOYMENT OF EX-STRIKERS ON THE NORTH WESTERN RAILWAY.

†206. *Khan Bahadur W. M. Hussanally : Are Government aware that since the North-Western Railway strike of 1925, in spite of the promises held out by the Agent, North Western Railway, that the strikers will be provided for no sooner vacancies occur, the strikers in spite of repeatedly applying for jobs have been refused the same, on the plea that their services are not required even though the vacancies for which they applied did exist and were filled up either by new men or by promoting junior hands ?

EMPLOYMENT OF EX-STRIKERS ON THE NORTH WESTERN RAILWAY.

207. *Khan Bahadur W. M. Hussanally : Are Government aware that a good number of senior drivers who went on strike are still out of work and that their posts have been filled up by promoting shunters or drivers ? If so, do Government propose to ask the Agent, North Western Railway, to fulfil his promise regarding the appointment of strikers in preference to outsiders and by stopping promotions of junior hands, and issue clear instructions to Divisional Officers to carry out these instructions strictly ?

The Honourable Sir Charles Innes : I propose to reply to questions Nos: 206 and 207 together. The Honourable Member is referred to the

†For Answer to this Question see Answer to Question No. 207.

reply given to question No. 728 asked by Mr. M. K. Acharya on the 10th February 1926. The Agent has again assured me that when ex-employees apply on the occurrence of vacancies they are engaged in preference to new men, unless there is something on record against them in their previous service on the Railway, and provided they are suitable for the vacancies as they occur.

RESTORATION OF THE CONCESSION OF FREE PASSES TO EX-STRIKERS RE-ENGAGED BY THE NORTH WESTERN RAILWAY.

208. *Khan Bahadur W. M. Hussanally : Is it a fact that in reply to a question the Government promised that the Agent, North-Western Railway, would sympathetically consider the question of the restoration of free passes to strikers ? Are Government aware that the Agent has only so far sanctioned one set of passes to strikers of over 10 years' service ? If so, do Government propose to ask the Agent, North Western Railway, to be more sympathetic in restoring the entire privileges of free passes to all the strikers ?

The Honourable Sir Charles Innes : The Agent, North Western Railway, has already taken action in the matter. A copy of the orders issued by him is laid on the table.

Orders issued by the Agent, North-Western Railway.

1. To those absentees who have a total of 10 years' service or more and who were re-engaged before the 1st June 1925, the concession of the grant of passes under the rules is hereby restored. The remainder of those who were re-engaged before the 1st of June 1925 are allowed half the usual number of home and foreign lines passes granted annually.

2. To absentees re-engaged after the 31st May and before the 16th July 1925 under the conditions enumerated in the instructions dated the 14th June 1925, the concession of the grant of privilege ticket orders is hereby restored, and those who now have a total of 10 years' service or more are allowed, in addition, half the usual number of home and foreign line passes granted annually.

3. The above instructions apply with effect from the 1st July 1926.

C. WALTON,
Agent.

LAHORE,
Dated the 14th June 1926.

REDUCTION OF THE WORKING HOURS OF THE CARRIAGE AND WAGON STAFF EMPLOYED AT LYALLPUR ON THE NORTH WESTERN RAILWAY.

209 *Khan Bahadur W. M. Hussanally : Are Government aware that the Carriage and Wagon staff at Lyallpur and some other stations of the North Western Railway is performing 12 hours' continuous duty ? Is this against the convention of the Geneva Conference accepted by the Government of India ? Do Government propose to ask the Agent, North Western Railway, to see that the staff on the Railway is not made to work more than 8 hours a day ?

The Honourable Sir Charles Innes : I would refer the Honourable Member to the reply given by me to a somewhat similar question asked by Dr. K. G. Lohokare on the 18th instant.

RETRANSFER TO LAHORE OF CERTAIN EX-STRIKERS RE-EMPLOYED BY THE NORTH WESTERN RAILWAY AND TRANSFERRED TO KARACHI.

210. ***Khan Bahadur W. M. Hussanally :** Are Government aware that a certain number of strikers from Lahore were transferred to Karachi to break the strike at Karachi, and that they have not been transferred back to Lahore ? If so, do Government propose to urge upon the Agent, North Western Railway, to arrange for their retransfer to Lahore as early as possible ?

Mr. A. A. L. Parsons : As the Honourable Member knows very well, Government cannot undertake to interfere in details of this kind.

ASSENT OF H. E. THE VICEROY TO THE INDIAN TRADE UNIONS BILL.

211. ***Khan Bahadur W. M. Hussanally :** Has His Excellency the Viceroy given assent to the Trade Unions Bill ? If so, will the Government please state why its operation is being delayed and when do the Government propose to bring it into operation ?

The Honourable Sir Bhupendra Nath Mitra : The answer to the first part of the question is in the affirmative. As regards the second part the attention of the Honourable Member is invited to the reply given by me on the 19th August 1926 to question No. 85 asked by Mr. N. M. Joshi.

MEMORIAL OF THE EUROPEAN GUARDS AT RAWALPINDI TO THE AGENT OF THE NORTH WESTERN RAILWAY.

212. ***Khan Bahadur W. M. Hussanally :** (a) Are Government aware that the European guards at Rawalpindi submitted a memorial to the Agent, North Western Railway, which has not been attended to as yet ?

(b) Do Government propose to ask the Agent, North Western Railway, to go into the grievances of the memorialists ? Is it a fact that Mr. Barlow, a guard at Rawalpindi, was transferred from Rawalpindi because he was considered to be the ringleader of the Rawalpindi guards in this case ?

The Honourable Sir Charles Innes : (a) Government have received a copy of the memorial.

(b) Government are confident that the Agent will give the memorial his careful consideration. They have no information about Mr. Barlow.

DISCHARGE OF ONE JAI CHAND.

213. ***Khan Bahadur W. M. Hussanally :** Is it a fact that one Jai Chand, I. O. W., has been served with one month's notice, his gratuity forfeited and a blank certificate without entry of ability and character granted ? If so, what are the charges against the man ? Was he served with any charge sheet and an explanation taken ; if not, do the Government propose to instruct the authorities to serve him with the charge sheet, if there are any charges against him and record his statement before dispensing with his services as provided for by the Government rules on the subject ?

Mr. A. A. L. Parsons : Government have no information. If the person in question has any grievance, he will doubtless appeal to the Railway Board.

RE-EMPLOYMENT BY THE RAILWAY AUTHORITIES AT RAWALPINDI OF ONE SARDARA, AN EX-STRIKER.

214. ***Khan Bahadur W. M. Hussanally :** Are Government aware that the railway authorities at Rawalpindi have employed one Sardara, an ex-striker, in the Rawalpindi Loco. Shed ? Was Sardara convicted in a theft case, and has he been re-employed only because he opposed Mr. Miller in an open meeting ? If so, what action do the Government propose to take regarding his discharge under the rules regarding the conduct of railway employees ?

Mr. A. A. L. Parsons : Government have no information and do not propose to call for any.

LABOUR REPRESENTATION IN THE LEGISLATIVE ASSEMBLY.

215. ***Khan Bahadur W. M. Hussanally :** Will the Government state if they propose to recommend for nomination any Member or Members on behalf of Labour for the Legislative Assembly representing different Provinces ? If so, how many and for what Provinces ? * Do the Government propose to consider the advisability of calling upon the Labour organisations of the Provinces to make recommendations for any such candidates ?

The Honourable Sir Alexander Muddiman : I refer the Honourable Member to my reply to Mr. Venkatapatiraju's question No. 32, dated the 18th August 1926, on the same subject.

REPORT FROM THE BRITISH CONSUL AT JEDDAH ON THE INDIAN PILGRIMAGE TO MECCA IN 1926.

216. ***Shaikh Mushir Hosain Kidwai :** Do Government intend to get a full report from the British Consul at Jeddah on the Indian pilgrimage to Mecca in 1926 ?

Sir Denys Bray : Yes, Sir.

RESOLUTION *RE* RETENTION IN ITS PRESENT SITE OF RAMESWARAM STATION ON THE SOUTH INDIAN RAILWAY.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevelley : Non-Muhammadan Rural) : Sir, the Resolution I have the honour to move runs as follows :

" This Assembly recommends to the Governor General in Council that the Railway Board and the South Indian Railway be directed to retain the present Rameswaram station as such even if the new alignment is adopted, and that protective embankments be put up south of the line to ensure the safety of the line."

I beg first to draw the attention of the whole Government to the importance of the Resolution. My particular object is that in this matter

the whole Government should sit together, examine the question and do the needful. The Honourable Sir Charles Innes, who is in charge of the Department, I have no doubt has not up to now had full information on the subject. More than two months ago, when I was at Rameswaram, I wrote to the Agent, South Indian Railway, to let me know what steps he was taking in connection with this matter. I got a curt reply that it was not his interest to concern himself about connecting stations with the pilgrims or the temples; and the other portion of it was that the alignment was a settled fact and it was no use my talking of it. I let the Government and the Honourable Sir Charles Innes know what the attitude of these gentlemen that are working and are in charge of these extensions or modifications is. I naturally expected, Sir, that that letter of mine, which I wrote as one connected with this Assembly, would have been forwarded to the Railway Board for their consideration. I am not informed that they have had knowledge of it and from what conversation I had I do not think they had been apprised of it. I submit that the question is very important and the way in which we are going on is that it is more or less treated as a concern more of the Company than of India or the interests of the Indian tax-payer and the interests of the country as a whole. If I introduce this subject with these preliminary remarks, I do so with a view to draw the attention of the Government as a whole to this matter, that in all such questions greater interest may be taken by the Government than is being done now.

I must next go on to describe the importance of this Rameswaram station. From ancient times it has been one of the very well known shrines of the South; long before the Railway was introduced east of Madurai. Rameswaram had lakhs and lakhs of pilgrims coming from all parts of India, and after the introduction of the Railway it need not be described. It is one concourse of pilgrims throughout the year, but during the Parvakalams you have got more than one lakh of pilgrims, and in the months of Audi and Thai Parvakalams, corresponding to August and about January, you find the number of pilgrims that go there are to be numbered only by lakhs, not by thousands or tens of thousands. Besides this you have also got what we call Ardodya and Mahodya. These occur once in six and twelve years, and you find that at that time a much larger number flock to the place. As far as I have been able to ascertain, the collections at the Rameswaram station alone come to from forty to fifty thousand rupees per mensem on an average. This does not include the charges earned by Railways for pilgrims that pay for them from other stations to Rameswaram. It is not only that. Those that take tickets to Mantapam generally take return tickets, first and second class, and they generally go from there to Rameswaram. That is not within the category I have described as regards the income. Besides people generally go to Dhanushkodi, alight at Rameswaram, stop there sometimes three days, sometimes more. That income does not count in regard to the collections of the Rameswaram station. And there are other sorts of incomes accruing to Rameswaram which are practically not covered by the description I have given. In all it is about six lakhs for collections at Rameswaram alone, for tickets taken from Rameswaram. You can very well understand, Sir, what the total collections will be in connection with pilgrimages from Kashmir, Nepal, Bhutan, and from all other parts of India.

Sir Denys Bray (Foreign Secretary) : I rise to a point of order. Nepal is not a part of India.

Mr. K. Rama Aiyangar : I have not been able to understand the Honourable Member.

Sir Denys Bray : I rose to a point of order to point out that Nepal is not a part of India, and it is most improper to talk of it as such.

Mr. K. Rama Aiyangar : I think the Honourable Member will answer himself and will be satisfied that he has not been relevant. If you really calculate the earnings of the several Railways in India in respect of pilgrimage to Rameswaram, it will come to about Rs. 20 lakhs per annum, and looking to our total income of about 100 crores and expenditure of about 65 crores, the average that could be spent on Rameswaram is Rs. 12 to 15 lakhs. I leave out the profits we make and refer only to the 65 crores of expenditure. If we only take the total income earned on behalf of Rameswaram, we would be fairly entitled to spend 12 to 15 lakhs of rupees per annum. The real difficulty seems to be that they have proposed to change the alignment from Pamban to Dhanushkodi. The present alignment takes us from Pamban to Rameswaram and above the south-western side the line takes us to Dhanushkodi. Apparently our friends, who have travelled fast in other countries, feel that there is some delay in the course of the journey. But the more important point that has to be considered in this connection is that there are sand dunes by the side of the railway lines between Pamban and Rameswaram and from Rameswaram to a certain extent when we pass to Dhanushkodi, it may be for about three or four miles. So that now about 13 miles of this line on one side have sand dunes, with the consequence that during tempests and on other occasions sand is often thrown over the line and some expenditure is incurred in clearing the line and keeping it in order every year. I do not know the exact figure, but from what I have been able to gather it comes to about Rs. 25,000 per annum to clear this sand and keep the line clear, and for that and other reasons the Railway Board, probably at the instance of the South Indian Railway Company, propose to deviate the line from Pamban to Dhanushkodi. This alignment would not take the line near Rameswaram, and the nearest point to it is estimated to be 3 to 3½ miles from the station that might be located somewhere near Rameswaram on the new alignment. I do not know whether the new alignment has been sanctioned. Probably it has been. I am one of the members of the Railway Finance Committee and I do not think it came before that Committee. If it was sanctioned and if it was done in my absence, I should like to know how it was sanctioned, and if it was sanctioned with the concurrence of the Railway Finance Committee. But apart from that, this new alignment, as I say, locates the station somewhere about 3½ miles from this important centre of pilgrimage. Another important fact is that the new station cannot be made use of easily. Over these 3½ miles there are big sand dunes and the construction of any roads connected with the existing roads there would cost a considerable amount, the sand dunes being very high, sometimes 30 to 50 feet high, and ordinarily 10 feet high, and if any road is cut, there is no doubt that that road will be many feet deep in sand.

Mr. A. A. L. Parsons : Just like the railway.

Mr. K. Rama Aiyangar : Yes, my friend the Honourable Mr. Parsons probably thinks that is an argument for changing the alignment. I am not satisfied that that is a reason. He will find on examination it is not. The present line has been kept up for these many years, about 20 years, and it has not cost more than Rs. 20,000 to Rs. 25,000. Along the present line there are sand dunes only on one side, and they are very high and naturally the sand is collected on the farther side of the railway line, but strong gusts of wind do carry some sand and this has to be cleared, but with the new line that is being proposed the difficulty of getting heaped-up sand cleared will probably be the same, though there is some idea of saving time and that is why the other route is sought. Apart from that there is the danger, as I have pointed out, of this new alignment being approached by the sea, which seems to be progressively advancing towards the site now proposed to be adopted. About that there is little or no information with the Railway Board just now. The sea is advancing from the south and in fact in a discussion we had recently with the Collector of Ramnad he said he found that within 15 days the sea had advanced and practically demolished two big buildings which cost Rs. 10,000 to Rs. 15,000. It has been advancing like that, and the present alignment will require about 5 miles of this line to be absolutely protected from the advance of the sea. Apart from that, it is not at all sure that the new alignment will not be disturbed by sand as much as the present line is. But the point I was making was that to cut a road from the railway station to Rameswaram between the sand dunes is quite different from having a line on one side or other of the sand dunes, because the chances of the latter filling up are much smaller than when you cut a road between the sand dunes, which, when they are so high, will fill up the road to the extent of six or seven feet every now and then. Therefore, if the Railway Board decide to have the station there, this kind of disturbance by sand dunes will be very great over the road that might be opened between the railway station and Rameswaram itself.

I have mentioned already the reply that was given to me by the South Indian Railway Agent, without apparently communicating with the Railway Board, that it was not his look-out to see the town connected with the railway station. In this connection I should not fail to draw the attention of the Railway Board and the Honourable Member in charge to a leader in the issue of the *Hindu*, dated the 19th of August, which refers to Lord Irwin and economic development. It refers to the 6,000 miles of railways, which was mentioned by His Excellency in the course of his speech, that will be coming within the next five years for the purpose of improving rural communications. That article in a way emphasises the position that I take, that the whole development of this country relating to the extension of railways goes on the principle of suiting the railways and taking the products of the country to the ports from which foreigners may travel and goods may be exported, with the consequence that the country itself does not much benefit by these communications. I mean that is the effect of that article. While I am not prepared to say, Sir, that the whole of the article can be supported, while I am also sure that in sanctioning new projects, much attention is paid, at least recently by the whole body of the Railway Finance Committee and the Board, to what I have

[Mr. K. Rama Aiyangar.]

pointed out, while I am of that opinion, I have to submit that the particular view taken of this alignment and the connection to be made with the railway station at Rameswaram is of such an extraordinary kind that I have to refer to that article to support my view. As I have submitted, Sir, if railways were really constructed in that part of the country, it was purely for this important centre and Dhanushkodi. Connecting Dhanushkodi with Colombo is not so much India's affair as Colombo's affair. So that I take it, Sir, if extensions on that side of the country of the railways of India have been made, it is purely with the object of serving that important institution. Many many lakhs of rupees have been spent in bridging the gulf there between Pamban and Mandapam, though part of it might have been with the idea of connecting Colombo also, there is no doubt that the pilgrimage to Rameswaram played a considerable part in that project and the expenditure of lakhs of rupees from funds in India.

These are the various points I want to place before this Assembly for taking this subject into consideration. As I said, the alignment is first of all not a necessity ; but if it is felt necessary, the question of the embankment that I have referred to to protect it from the sea has not been taken serious note of, and even if an attempt is made to put up the embankment on that side it will not be successful for any length of time. But, apart from all these questions, the greatest point that has to be borne in mind is that Rameswaram station cannot be abolished and it ought not to be abolished. I beg of the Railway Board and all persons responsible for this to see that the station, I mean the present station or some station very near the town, is retained in some form or other. I know, Sir, that it was suggested that at best a place within a short distance of the present station will have to be taken as the station even if a siding is started there.....

Mr. K. Ahmed : I rise to a point of order. Has not the Honourable Member reached his time limit ?

Mr. President : Mr. Rama Aiyangar.

Mr. K. Rama Aiyangar : As I was saying, even if there is a slight disturbance in the location of the station it does not matter, so long as it is connected with the town by good roads. The road there has recently, during His Excellency Lord Goschen's visit, been considerably strengthened and kept in very good condition. If that is not done, the effect of it will be, as I said, practically to put the railway to considerable expenditure to keep the road between the station and the town in good order. If the railway does not take upon itself the responsibility of connecting Rameswaram station with the town, they will be leaving all these pilgrims stranded there. They cannot expect to get across the sand dunes. The sand dunes there are made up of very fine sand. Even at ten o'clock if you try to pass over them you cannot do so without some protection for the feet, which most of these pilgrims have not—at least in the South, whatever may be the case in the North. Therefore, I submit, Sir, the matter is of considerable importance, and I hope it will not go to the length of having a division in this House. If it does not go to the length of a division I have no doubt that, owing to the thinness of the House, a technical success may be gained by Government. But the facts of the case are so important that I do

not think the Government will allow it to go to a division, and I expect the Government will take all steps for retaining the station if possible, and if it is absolutely impossible—which I do not think it is—they will have to take the full responsibility for connecting the station with the town and keeping it and maintaining it at the railway cost. But I submit, let it not be taken by the Government from that last statement of mine that I have the least inclination to agree that this line should not be connected by railway to the present station or about the present station. I do not grant it at all, but I do submit and hope it will be taken as a sufficiently serious matter and will be accepted by the Government.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Sir, I rise to oppose the motion of my Honourable friend, Mr. Rama Aiyangar, because I find from his speech that he has already annoyed enough both the Railway Finance Committee and the Railway Advisory Committee and having troubled them sufficiently he has again enunciated in his speech that he wanted to trouble this Assembly which is a body composed of very important persons representing the different constituencies. Our business to-day, Sir, is so important that, as my Honourable friend can see for himself, the very next question on the agenda deals with the abandonment of the Andamans as a penal settlement. Then the next Resolution, which is one he can rightly handle, is a Resolution to regulate the performance of religious festivals, and one of the grounds taken in his Resolution was that religious-minded people wish to go on pilgrimage to a station called Rameswaram. Let me tell him there is no chance of this unless legislation is immediately taken in hand—as the Resolution suggests—to regulate the performance of these festivals and ceremonies, by the different communities in India, which is really the matter at stake. Unless this is done the whole structure he has raised, and the attitude of the religious-minded people on his Resolution will be washed away. It is therefore a far more urgent and important thing to handle rightly the next Resolution, that is, Resolution No. 4, rather than take up half an hour of our time for nothing, as he has done in proposing it. An ordinary Resolution like this covers many constituencies. Each constituency has got a thousand and one such grievances and they should be thrashed out by way of questions and interpellations. I am always ready to help my Honourable friend with supplementary questions if necessary, but to-day he has taken up the time of the Assembly for nothing. Is it not, Sir, an abuse of the privilege of moving Resolutions that subjects like this should be ventilated at a moment such as this ?

Sir, my second point is that my Honourable friend has altogether ignored this subject that has been stated in Resolution No. 2 and Resolution No. 4. He has also said that these are subjects which the Railway Department should consider and accept. Sir, these questions cannot be accepted. He himself says this is an important question. He says we want this alignment at this station Rameswaram. He says, further that this is a very important question and that the Railway Board should specially devote its attention to it, and that not only the Railway Board, but even the Railway Advisory Committee and the Railway Finance Committee should consider this question ; this is what my Honourable friend says. But the amount of money to be spent and the amount of income to be derived, all these questions have been considered, and the question of starting a new line has also been considered. Therefore, what does the

[Mr. K. Ahmed.]

Honourable Member want ? It is the representatives of the people in this Assembly who appoint these Committees ; it is these representatives who appoint the advisory bodies, and when these bodies have specially considered the question which my friend has brought forward, I do not see with what object my Honourable friend Mr. Rama Aiyangar has again brought forward this Resolution for nothing. Sir, I oppose this Resolution, and I would ask my friend to withdraw it.

The Honourable Sir Charles Innes (Member for Commerce and Railways) : Sir, I must confess that it is a relief to me to meet my Honourable friend Mr. Rama Aiyangar on new ground. Hitherto, when we have crossed swords in debates, it has almost always been on some intricate question of railway finance, and I must confess that my Honourable friend's mathematics have always left me gasping. But, Sir, even on this subject, I am afraid that the prevailing bent in the Honourable Member's mind is too strong for him, and I must utter a word of caution. I must ask the House to beware of the Honourable Member's calculations about the profit **we make out of the Rameswaram station.** On the contrary, for many years past we have been gravely perturbed in mind because of the fact that the Dhanushkodi connection has hardly been a paying proposition. Nevertheless, Sir, the Honourable Member may rest assured that I do not underrate the importance of this question. It may be that the question does not interest my Honourable friend Mr. Kabeerud Din Ahmed very much, and it may be that the question is one which requires local knowledge, and therefore it is rather difficult to discuss it in a House like this. But we do recognise in the Railway Board that this question is of very great interest to a large class of the Hindu population in South India, and I can assure the Honourable Member in this House that the Railway Board would not desire to do anything to make the pilgrimage to Rameswaram more difficult. But I should just like to explain very briefly what this problem is. It is concerned with the line from Pamban to Dhanushkodi on what is known as Pamban Island. In the south-west monsoon, there are very high winds and there is no rain, and these high winds carry the sand in a north-easterly direction. Ever since we made that line we have had the greatest difficulty with these sand dunes. It is a very difficult, technical and engineering problem, and the House will realise how difficult it is when I give them a description of one of these sand dunes whose local name, I am told, is Big Willy. This particular sand dune is no less than 600 yards long, 120 feet high and 100 yards broad, and it is advancing at the rate of 30 yards a year. We have been attacked by the sand mainly on two sections of the line, each about a thousand feet long, and that section where this sand dune is in operation has already had to be diverted three times. It cannot be diverted any more. We have discussed every possible means of dealing with this engineering problem. Sir Clement Hindley, himself a distinguished railway engineer, inspected this sand dune on the site and discussed the problem with the South Indian Railway engineers. Not content with that, our own Chief Engineer went down to the Madras Presidency and discussed the problem with the engineers of the South Indian Railway. We discussed alternative methods. We discussed the question whether we could not tunnel through the sand dunes. We discussed the question whether we could not stop the drift of the sand dunes by oil spraying ; but eventually we always came back to the conclusion that, if we wanted

to save the line at all, we must divert it altogether. Mind you, sand on a railway line is a very dangerous thing ; unless it were cleared away, the train would be derailed. Hitherto we have had to deal with the problem by employing men to clear the sand from the railway lines. The expenditure has gone up year after year. Last year we had to spend about Rs. 20,000 or Rs. 25,000 on this work, and we do not know how much more we might have to spend on it. Also there is the danger that, whatever we may do, the sand dunes may still advance till they are right on top of the line. For that reason we came to the conclusion that the only possible course for us to take was to divert the line south of the sand dunes. We have made the diversion now. It was sanctioned, I may explain to my friend Mr. Rama Aiyangar, before the Standing Finance Committee came into existence ; it was sanctioned in 1924, and the diversion has actually been completed. The effect of it is, I regret to say, that we leave the Rameswaram station high and dry. That station is about a mile from the temple. The new station which we shall have to build will be about $3\frac{1}{2}$ miles from the temple, and that is what my friend Mr. Rama Aiyangar complains of, that is to say, the pilgrims instead of being landed one mile from the temple will be landed $3\frac{1}{2}$ miles from the temple. Now, Sir, I recognise that this is an inconvenience to the pilgrims. And, Sir, when I reflect how much we have done in recent years for the comfort of our railway passengers, 1st, 2nd and 3rd class, I can very well realise that they object to being turned out of their comfortable railway trains at an earlier stage ; but I hope the House will take it from me that we are driven to this course not by any original sin on the part of the Railway Board or of the South Indian Railway, but merely by forces beyond our control. I am afraid there is no help for us but to divert the line. Mr. Rama Aiyangar seems to think that the new diversion will equally be liable to the advance of sand dunes. The whole object of diversion is to take the line south of the sand dunes so that that danger should not exist, and he may rest assured that if there is any danger of erosion, steps will be taken to counteract that danger. I have already told Mr. Rama Aiyangar that we will do what we can to alleviate the inconvenience to the pilgrims. We have already inquired into the matter whether we could not run a siding from the new station to the old. But we are informed that we are up against exactly the same difficulty, namely, that with the sand dunes it is impossible to do it.

Mr. Rama Aiyangar has suggested that we should make a road. There is a road. It merely requires a connection of about a mile between the existing road and the new station. I have no doubt that the District Board will make that connection. Mr. Rama Aiyangar has asked me to give a pledge that the Railway will do it, but as I have already said, it is quite impossible for me to give any pledge of that kind. In the first place, there are constitutional difficulties in the way. The Devolution Rules prescribe that central revenues can contribute to roads only when these roads are of military importance, and I do not think that even Mr. Rama Aiyangar would say that the Rameswaram Temple road is of military importance. Then again, we should have to consider very carefully in the Railway Board before we can spend railway funds, not on making railways but on making roads. Our present policy is to make our roads just to the confines of our own station limits and trust to the Local Boards to connect up and make the necessary feeder roads, and it would be a dangerous thing, I think, if we were to agree to a departure from a principle of that kind. Obviously a road of that kind is essentially a

[Sir Charles Innes.]

job for the local body concerned. But, as I told Mr. Rama Aiyangar yesterday, we in the Railway Board have taken this action with the greatest regret. We know that about four lakhs of pilgrims go to Rameswaram every year, and whatever complaints there may be against the Railway Board, I do not think any one has yet accused us of tearing up lines, except for good reason. In this instance we have got very great reason to do so. We are quite prepared to go into the matter, and, if there is anything that we can do to alleviate the inconvenience caused to pilgrims, Mr. Rama Aiyangar may rest assured that we will be only too glad to do so. That is all that I can say.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I have listened with considerable attention to the reply given by the Honourable Member in charge on this proposition. It may be that the Railway Board are very anxious to have a new alignment which is less liable to the risk to which the present line has been exposed for the last 20 years ; for I understand from my Honourable friend on my right that the present line has been in existence for over 20 years. If Mr. Rama Aiyangar has given to this House figures which are exaggerated as far as the revenue from this line is concerned, I suggest to the Honourable Member in charge that he has not given us complete figures to show how much the Railway concerned had to spend on repairs on the existing alignment during the last 20 years. If the alignment which at present exists has carried on for 20 years and if there are 400,000 pilgrims who go to Rameswaram, not for the sake of a change of air or the benefit of their health, but for the sake of what is now recognized even by the Railway Board as one of the necessities of devout Hindus, I feel that every other consideration is comparatively a minor one and should be set aside and precautions should be taken that those who thus resort to Rameswaram are not put to any more inconvenience than they are at present. I, Sir, would be the last to minimise any dangers which may develop in the future to the safety of the line, but I suggest to the Honourable Member in charge that the remedy which he suggested, namely, of a siding from the new railway station that they propose to start to the old station or to the temple, whichever may be more convenient, should be very seriously taken into consideration. I very much sympathise, Sir, with the Mover of the Resolution when he says that he is not satisfied with just the vague assurance that the Railway Board would look into his complaint. The assurance which this House should, I think, take from Government is that they will see either that the old alignment is kept up or that, if they decide upon having a new station, they will have a siding from the new station to the old station or to the temple, whichever may be more convenient on the whole for pilgrims, even though it may cost a little extra. It is said, Sir, that the Railway Department and the whole railway administration has been working on commercial lines, but in other parts of the world railways working on commercial lines and even company railways have, if anything, provided more facilities, because the greater the facilities they provide the greater the number of passengers that are attracted. It is a coincidence, and I realize my own handicap that being a Hindu I may be charged—these charges are easy to make and we have had one such charge made by a Member here at an early stage of the debate—with the fact that because I am a Hindu I sympathise with this proposition. But I can assure my Honourable friend over there that if it was a

question of a Muhammadan place of pilgrimage I would equally urge what I am urging on this occasion. I ask the Honourable Member in charge of the Department not to minimise the importance of the Resolution that my Honourable friend has thought fit to move. I urge on him the necessity of giving an unequivocal undertaking that the task of those who resort to Rameswaram out of religious faith will not be made a whit more difficult than it has been till now. As far as I was able to understand, the amount lately spent in upkeep was Rs. 20,000 per annum and we should like to know how much they did spend during the last 20 years. I am quite aware that we may be told that much more may have to be spent hereafter; but the present facilities which have been existing so long ought to be continued as long as possible. I suggest to this House that, in view of the peculiar circumstances under which the Resolution is being discussed, the House will not vote down this Resolution.

Khan Bahadur W. M. Hussanally (Sind : Muhammadan Rural) : As a Mussulman, Sir, I rise to support the proposition of my friend Mr. Rama Aiyangar. It cannot be denied that Rameswaram is one of the most important shrines in South India for the Hindus and I think it behoves the Railway Board and the railway administration to give every facility possible to the devotees that visit that shrine. I was not very much impressed by the speech of the Honourable Member in charge. He says that the yearly cost of removing the sand hitherto has only been Rs. 20,000. If that is a fact, that is a very paltry sum considering the amount of money that must be realized every year from the devotees who visit the shrine, of whom I understand there are four lakhs every year. If each man pays on an average one rupee, that would bring in Rs. 4 lakhs and, if Rs. 20,000 is spent in maintenance for the convenience of these devotees. I do not think that amount is at all badly spent. I think that even if the whole 4 lakhs were spent in removing the sand the convenience it would thus offer to Hindus visiting the shrine ought to weigh much more with the railway administration than the really paltry sum spent in removing the sand. If the sand cannot really be removed, then the alternative proposal of having a siding is certainly one which ought to be favourably considered by the Railway Board and railway administration.

Mr. Mahmood Schammad Sahib Bahadur (West Coast and Nilgiris : Muhammadan) : Sir, I rise to support this Resolution because I come from the South and so I know the importance which is attached by Hindus to the retention of this old station, and the importance which is attached by people in South India to the temple at Rameswaram. Thousands every year resort to that place and if this old station is abandoned it will be a very great inconvenience and hardship to the pilgrims and others who go to Rameswaram. Even if extra expenditure is involved in maintaining it I think it would be easily made up by the larger number of people who would go to the place to visit the temple. With these words I support the Resolution.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I would not have taken part in this discussion had it not been for the inopportune interference of my friend Mr. Kabeerud Din and his opposition to this Resolution. Sir, I do not wish that any idea should be left on the minds of Honourable Members here that the Mussulmans have no sympathy with the Hindu pilgrims.

Mr. K. Ahmed : I neither said anything that could be construed as interference with the Hindu religion nor did I oppose the Resolution as a Muhammadan. My Honourable friend's heart is stronger than his head, it seems:

Mr. President : The House would be glad to hear the speech of the Honourable Member but not at this time. Maulvi Muhammad Yakub.

Maulvi Muhammad Yakub : Sir, it is very difficult for the people of the West to understand the veneration which we the people of the East, both Hindus and Muhammadans, have for places of pilgrimage. We, the people of the East, do not even mind sacrificing our lives for the sake of performing pilgrimages to our sacred places. You know, Sir, that thousands of Mussulmans make the pilgrimage to Mecca and Medina every year and they go there even at the risk of their lives. They consider that the performance of a pilgrimage to a sacred place is more valuable than their life itself. The same is the case with Hindu pilgrims. They take very troublesome journeys to Badrinarain or some other very remote place of pilgrimage, and in some cases they have to walk for hundreds of miles. But they do not mind any trouble in performing a pilgrimage to their sacred place of worship. We have been told by the Honourable Member who moved this Resolution that this temple at Rameswaram is considered to be a very sacred place for the Hindus in Southern India, and thousands and hundreds of thousands throughout the whole of India, even from the north, flock to this place in order to perform their pilgrimage : and it must therefore be the first and foremost duty of the Government of India to afford as great facilities as possible to these people. Well, if this line could be run on this sandy desert for 20 years, I do not know why it could not be kept for ever as it is. As regards the expenditure for removing the sand, my Honourable friend has already stated that the income which we derive from this line is much more than is spent for removing the sand ; and even if the income were not more than the expenditure, even then I should think that, in order to afford facilities to the pilgrims, Government ought to spend money from other sources in order to remove the sand. And as my friend, the Honourable Sir Purshotamdas Thakurdas has suggested—and that is a very moderate suggestion—if it were impossible to keep this line running, it may in some way be possible to have a siding from the new station to the old station, and if the line cannot be kept running say every day in the week, at any rate it may be possible to fix one, two or three days on which trains may be run, and probably the pilgrims may be so informed that they may go on the days that are fixed. At any rate my submission is that the Government should try their level best to afford such conveniences to this place of pilgrimage as may be possible. With these words, Sir, I heartily support this Resolution.

Sir Darcy Lindsay (Bengal : European) : Sir, I desire to support my Honourable friend, Mr. Rama Aiyangar, so far as concerns the object he has in view. As to whether the Railway Board can carry out the terms of the Resolution or not, I am not prepared to say. But my point is that we should support the Honourable Member in his desire that every facility should be given to this pilgrim traffic. My Honourable friend, Sir Purshotamdas Thakurdas, raised a point I wished to put myself, that is as to whether it would be possible to run a branch line or possibly a tramway from the new station to the nearest point to the temple. Even if that is

not practicable, I would suggest to the Honourable Member in charge that he could apply for permission to use the railway funds for making a road. He has said that he can only make a road for military purposes, but it might be possible to obtain permission for this special object. My Honourable friend, Sir Purshotamdas Thakurdas, referred to the Railways being run on commercial lines. Well, surely it is a commercial proposition to afford every facility to your traffic ; and if the pilgrims have to pass through sand to get to the main road, there may be a considerable falling off in the traffic, and that will affect the receipts from the railway. It is therefore all to their interest that they should expend money on making a roadway. With these words, Sir, I support my Honourable friend, Mr. Rama Aiyangar.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : I am afraid the object of my Honourable friend, Mr. K. Ahmed, in intervening in this debate has defeated itself. Because what he aimed at was to cut short the discussion, but I am afraid his opposition has brought a much larger volume of support to this Resolution than it would otherwise have had. But, Sir, I must say a word in defence of my Honourable friend. I did not hear him giving expression to any question of communal preference or communal objection, and I do not know why so many of my Honourable friends have assumed that that was the underlying note of his intervention. Sir, as a matter of fact he very charitably wanted to assist my Honourable friend by asking supplementary questions, if he had brought up this subject not by way of a Resolution but in the shape of a question. I therefore think my Honourable friend was a little misjudged by the previous speakers.

Sir, coming now to the merits of the Resolution. I have only one word to say and that is that, although this is far away from my province, this particular station has got a very great importance from the point of view of the very many Bengali pilgrims who repair to this place for pilgrimage every year, and in that view of the matter I would support my Honourable friend, Mr. Rama Aiyangar.

***Pandit Shamlal Nehru** (Meerut Division : Non-Muhammadan Rural) : Sir, I would like to support my Honourable friend, Mr. Rama Aiyangar, but before I do so, I should like to know the reasons why he wants to make the Hindu public less religious. The Hindu religion, as I have understood it from my childhood, enjoins on every pilgrim the duty of walking long distances in order to get more benefit. (Laughter). If Mr. Rama Aiyangar will satisfy me on that point, I should be very glad to support him.

The Honourable Sir Charles Innes : Sir, I must confess that I am rather surprised at the.....

Mr. President : Does the Honourable Member (Mr. Rama Aiyangar) wish to reply ?

Mr. K. Rama Aiyangar : Sir, I thank Honourable Members for having given their support to my Resolution. Every point that has been raised by my Honourable friend, Sir Charles Innes, has been met, and the Honourable Sir Darcy Lindsay has placed before him a method of overcoming any difficulty that he might feel. But I will only say that it is a

*Speech not corrected by the Honourable Member.

[Mr. K. Rama Aiyangar:]

question not of going beyond railway work at all. In fact if people are taken from the whole of India to Rameswaram,—and more than four lakhs go there—it will be the duty of the Railways to see that they are landed at Rameswaram conveniently—not that they are taken off the sand dunes on the other side of Rameswaram and left to cross 120 yards breadth of sand to a height of 120 feet. I suppose it is only fair for any company which engages in business to interest itself in that point, otherwise it becomes no business company at all. Of course I do not want to refer to the remarks which my friend the Honourable Mr. K. Ahmed has been kind enough to make ; I dare say he feels himself that he has said things which he need not have said. As for what my friend the Honourable Mr. Shamlal Nehru has said, I have only to remark that if people are left to walk to the Rameswaram sands, they have got the general roadways to pass through ; but would you strand them at a spot separated from Rameswaram by a large mound of sand very fine in texture? Practically before crossing half way, they would exhaust themselves, and I do not think my Honourable friend would like the result. But I hope that, after he has heard all these expressions of opinion in the House, the Honourable Sir Charles Innes will give us the assurance we desire.

The Honourable Sir Charles Innes : Sir, as I began to say before,

12 noon.

I am greatly surprised at the amount of interest which this Resolution has aroused. I should have been more impressed by the speech of my Honorable friend Sir Purshotandas Thakurdas and I should have been more interested in the lecture which Sir Darcy Lindsay gave to the Railway Board on railway economics if they had ever been to Rameswaram and if they had the slightest knowledge of the engineering and technical difficulties with which we are faced in this matter. I think the fact that neither of them have ever been there, neither of them know the tract or know the difficulties which we have to contend with, detracts very greatly from the value of their speeches. I must also confess that I am surprised at the stress which has been laid upon the hardships of the pilgrims. As I explained, from the railway point of view we dislike this diversion very much. We dislike it because there is objection in principle to diverting a railway from an existing station. An existing station naturally creates vested interests, and it is a serious matter to divert your line in any way at all. But when Members get up here and tell me that we are putting pilgrims who go to Rameswaram to serious disabilities, I must say that I am surprised. I always understood myself that the more hardships you overcame in pilgrimage the more merit you acquired. I have always understood, Sir, that Muham-madans whenever they go on pilgrimage to the Haj have to travel many miles of sand dunes, on camels, exposed to dangers of bandits and robbers and the like and they welcome those hardships, because of the merit they acquire.

Maulvi Muhammad Yakub : I understand that it is now proposed to have a motor service between Mecca and Medina and between Jeddah and Mecca.

The Honourable Sir Charles Innes : I have always understood that Hindus make a long trip through tiger-infested country from Hardwar

to Badrinath and I am quite sure that Mr. Rama Aiyangar himself would undertake that journey with the greatest pleasure. But now, Sir, I am told that because pilgrims have got to walk over $3\frac{1}{2}$ miles of sand, we, the Railway Board, are putting them to unimaginable hardship. Surely a proposition of that kind has only got to be put in this House to show that there is not much force in this complaint.

I have said that we will do what we can to remove the inconvenience. I have already explained—and I should have thought that Sir Purshotamdas might have listened to what I said—that we have consulted the South Indian Railway as to whether it would be possible to make a siding to the existing station and we have been told that it will be quite impossible to do so for the very reason that Mr. Rama Aiyangar gave when he explained to us the difficulty of road-making there, namely, that you pass these very sand dunes. I have already explained the constitutional and other difficulties in the way of the Railway making roads. I can give, neither of the assurances asked for nor any definite promise. I have said that the Railway Board will do what they can, will consult the South Indian Railway in order to remedy this very small inconvenience; but that is as far as I can go.

Sir Purshotamdas Thakurdas : May I put a question, Sir, before you put the Resolution?

Mr. President : Sir Purshotamdas Thakurdas.

Mr. K. Ahmed : Is there any provision in the Rules or Standing Orders which entitles my friend.....

Sir Purshotamdas Thakurdas : Is the Honourable Member in charge prepared to say that, before Government take a decision in this matter, they would consult the Railway Finance Committee?

The Honourable Sir Charles Innes : No, Sir. Because the diversion has already been practically finished. It was sanctioned more than two years ago.

Sir Purshotamdas Thakurdas : In connection with the siding or any other facility that can be provided in order to avoid the additional hardship which would be put on pilgrims, would the Honourable Member give an undertaking that the Railway Finance Committee would be consulted?

The Honourable Sir Charles Innes : I have already said that we have already decided that the siding is not possible. The siding is an engineering question which does not concern the Standing Finance Committee.

Mr. President : The question is :

“ That the following Resolution be adopted :

‘ This Assembly recommends to the Governor General in Council that the Railway Board and the South Indian Railway be directed to retain the present Rameswaram station as such even if the new alignment is adopted, and that protective embankments be put up south of the line to ensure the safety of the line.’ ”

The Assembly divided:

AYES—32.

Aiyangar, Mr. K. Rama.
Aiyer, Sir P. S. Sivaswamy.
Badi-uz-Zaman, Maulvi.
Baptista, Mr. J.
Chanda, Mr. Kamini Kumar.
Crawford, Colonel J. D.
Das, Mr. B.
Dumasia, Mr. N. M.
Ghose, Mr. S. C.
Gour, Sir Hari Singh.
Hussanally, Khan Bahadur W. M.
Hyder, Dr. L. K.
Jeelani, Haji S. A. K.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Lindsay, Sir Darcy.

Lohokare, Dr. K. G.
Mahmood Schammad Sahib Bahadur, Mr.
Muhammad Ismail, Khan Bahadur Sayid.
Murtusa Sahib Bahadur, Maulvi Sayad.
Mutalik, Sardar V. N.
Neogy, Mr. K. C.
Purshotamdas Thakurdas, Sir.
Raj Narain, Rai Bahadur.
Rangachariar, Diwan Bahadur T.
Reddi, Mr. K. Venkataramana.
Roffey, Mr. E. S.
Roy, Mr. K. C.
Sheepshanks, Mr. J.
Venkatapatiraju, Mr. B.
Vishindas, Mr. Harchandrai.
Yakub, Maulvi Muhammad.

NOES—33.

Abdul Quyum, Nawab Sir Sahibzada.
Ajab Khan, Captain.
Allison, Mr. F. W.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Clow, Mr. A. G.
Coatman, Mr. J.
Dalal, Sardar B. A.
Datta, Dr. S. K.
Donovan, Mr. J. T.
Dyer, Mr. J. F.
Gidney, Lieut.-Colonel H. A. J.
Graham, Mr. L.
Haig, Mr. H. G.
Hezlett, Mr. J.

Hira Singh Brar, Sardar Bahadur Captain.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Norton, Mr. E. L.
Owens, Lieut.-Col. F. C.
Paddison, Sir George.
Parsons, Mr. A. A. L.
Rahman, Khan Bahadur A.
Rau, Mr. B. R.
Roy, Sir Ganen.
Sastri, Diwan Bahadur C. V. V.
Singh, Rai Bahadur S. N.
Townsend, Mr. C. A. H.
Willson, Sir Walter.

The motion was negatived.

RESOLUTION *RE* ABANDONMENT OF THE ANDAMANS AS A PENAL SETTLEMENT.

Maulvi Sayad Murtuza Sahib Bahadur (South Madras : Muhammadan) : Sir, the Resolution I have the honour and privilege of moving runs thus :

“ This Assembly recommends to the Governor General in Council that he be pleased to abandon the Andamans as a penal settlement by sending back all the Moplah and other prisoners, and also to throw it open for free colonization, removing all restrictions on communications, settlements, etc., and also giving all the necessary facilities to the settlers.”

Before going into the question, a short history of how and when the Andamans became a penal settlement would not, I think, be out of place. In 1787 convict labour was introduced in the Sumatra Island which was then under the British. For about 30 years this arrangement continued. Afterwards, when Sumatra was handed over to the Dutch, the convicts were sent to the Straits Settlements in order to add to the

supply of labour there. Till 1825 Singapore was thus the penal settlement. Afterwards this kind of assistance by convict labour was not deemed necessary for that Colony and, therefore, the Government were on the look-out for a fresh penal settlement. In the year 1858, that is, after the great Indian Mutiny, the choice fell upon the Andamans as a place of deportation for convicts. But in so doing, Sir, Government have selected a very bad place. It is unhealthy and has proved disastrous to the convicts. The Islands are situated in a far-off place. They are 700 miles from Madras, 800 miles from Calcutta and 200 miles from Rangoon. As I have already remarked, the selection was a very bad one, as it has been found that the place is a hot-bed of dysentery and malaria. Though the Government have spent, and are still spending, a large sum of money towards the improvement of these Islands, their efforts so far have been a total failure because they have not been successful in improving the unhealthy condition of the place. Even granting that some improvement can be brought about in the long run, I may assure the House that the game is not worth the candle. It will under the present arrangement continue to be an abominable place, a land of despair, a living grave in the case of convicts.

So far as the moral atmosphere of the Island is concerned, it is hopelessly bad. I may say it is highly revolting to the convicts who have even an iota of self-respect in them. I have seen the place and I know all these things personally. I shall just refer the House to the view expressed in the Jails Committee Report of 1919-20. This Committee consisted of eminent gentlemen, who were experts in jail matters. It was presided over by no less a personage than Sir Alexander Cardew, who was a Member of the Executive Council of my Province, and who was also the Acting Governor of the Madras Presidency for some time. He was assisted by three experts, the Inspector General of Prisons, Bombay, the Inspector General of Prisons, Bengal, and the Inspector of Prisons, Home Office, London. There were two Indians on that Commission. One was my much lamented friend, the Raja of Pudukotah, who died in London last year; the other Indian Member, a Musalman, died even before the Report of the Committee was drawn up. So, Sir, their recommendation, which was the outcome of their untiring and hard work for about two years, could not be ignored. What have they recommended? Having visited the Islands and having made sifting enquiries into the question, they have come to the conclusion that the Islands should cease to be a penal settlement. Some of the Members no doubt opined that total abolition need not be aimed at just now. Their opinion was that those that are specially dangerous criminals may be deported to the Andamans, and the question was to be determined by the Governor General in Council as to who were really dangerous criminals. The recommendation of the only Indian member then serving on the Commission runs thus. In paragraph 629 he says:

"The reference of the Government of India desires us to offer our recommendations on the following two points:—(i) whether transportation *qua* transportation should be retained in, or deleted from, the Statute, and (ii) whether the system of transportation to the Andamans should be (a) retained as it is, (b) mended, or (c) ended. The latter question has been a moot point for many years and the mass of correspondence and reports which have accumulated upon this subject exhibit many divergent and controversial views. As we have had the benefit of visiting all the important places in the Andamans and examining witnesses, not only there but also in other places, I feel I am in a position to advise the Government on the two points stated above."

[Maulvi Sayad Murtuza Sahib Bahadur.]

Again in the following paragraph he says :

" Before venturing to give my opinion on these points I find it necessary to give a short history as to how this form of sentence came into existence in India, what the original intention of the law was in invoking this form of sentence, and whether the conditions in the Andamans have actually fulfilled the object of law and penology."

Later on, with reference to the recommendation of the majority who are in favour of deporting specially-criminal class people, he says thus in paragraph 635 :

" The next point for consideration is whether the system should not be retained for the deportation of a certain class of people who are styled ' specially dangerous ' to the interests of the community." The main reasons adduced in favour of the recommendation of my colleagues are :—(i) that the Andamans would be a secure place for these people, and (ii) that if the Islands be radically improved the conditions there, both moral and climatic, would not be as demoralising and injurious as they are now. The first argument assumes that in India it is impossible to prevent escapes of some of these prisoners, and displays want of trust in our future prison staff. If, however, our recommendations as to the improvements in the jail staff be acted upon, I feel confident that the Government will be able to secure so trustworthy, efficient and competent a staff that the Indian prisons will be as secure as the Andaman Islands. Coming to the second argument, I am of opinion that its adoption will entail on Government an enormous expenditure which cannot possibly have any compensating advantages. May I observe that the Andamans exist for prisoners and not *vice versa*. In view of what one of the witnesses, who has been a medical officer in that place, has definitely deposed, *viz.*, that whatever improvements may be effected the health of the prisoners in the Andamans will never be so good as it is in the Indian jails (which view is generally shared by a few other medical officers who had also been in charge of the Islands), and in view of the fact that there is very little chance of obtaining in the Andamans such educated healthy public opinion as would afford a wholesome check on the prison administration, I am unable to agree with my colleagues as regards their recommendation with regard to the deportation of the specially dangerous prisoners."

His recommendation, therefore, is :

" This class of prisoner will, I presume, be very small. It ought, therefore, to be feasible to accommodate them in a separate yard or where this is not possible, to build a small jail in each Province, as may be found necessary by the Local Governments, and have them guarded, if necessary, by a special staff of warders. Once a prisoner is found to be a specially dangerous man, the treatment to be accorded to him in jail should be naturally more rigorous and penal than is meted out to habitual prisoners, with less liberal remission and fewer privileges than we have recommended for the other prisoners "

and so forth.

The then Home Member made an announcement on the floor of this House in the year 1921, assuring the House that the recommendations of the Jails Committee would be acted up to. So it is that deportation did not take place for some time. Now about eleven hundred and odd Moplahs have been sent over there. There is already a criminal population of six thousand, so in all there are seven thousand and odd convicts there. In this connection, Sir, I may say that when we waited upon Sir Alexander Muddiman last year, Mr. Schamnad and myself, and placed these facts before him, he was kind enough to suggest that we might go to the Andamans, satisfy ourselves as to the conditions prevailing there, and thereupon he would view the question as it deserved. We thought it desirable that we should be appointed by the Government and should be in a position to submit a report deserving consideration.

The agitation which is going on in our Presidency cannot be stopped unless the people are satisfied by a public report made by those who were entrusted with the inquiry by the Government. Two Members, Mr. Mahmood Schamnad and myself, were appointed by the Government of India and the Madras Government nominated Mr. Abbas Ali, Khan Bahadur, M.L.C., and an outsider in the person of Dr. K. D. Mugaseth of Calicut. We have submitted our report, but as it has not been published I will not be justified in divulging what it is. I may say this much that, had the report submitted by us in February last been published, the public would have been satisfied and the House would have been in a position to know how the matter stands.....

Mr. K. Ahmed : You are entitled to expose them.

Maulvi Sayad Murtuza Sahib Bahadur : There were many questions put both by the Members of the Assembly and of the Council of State, yet the report did not see the light of day. At least after this Resolution of mine had been tabled, if the Government had published the report, I would have been in a better position to place the facts before the House, and the Members of the House would have been in a better position to support me, and I think my Honourable friend Sir Hari Singh Gour would not have then tabled the amendment he has now tabled.

Sir, in this connection I have to submit to the House that a Resolution was passed almost unanimously by the Madras Government in regard to the question of repatriating the Moplahs, but as far as my Resolution is concerned, it embraces all the prisoners there. So far as the Moplahs are concerned, they number only 1,100 in all, but there are others who have also placed their difficulties before us. They said that the Andamans is a living grave to them. They are cut off from society and once deported they are lost to society, they know nothing about their families. So far as the civilized world is concerned, so far as the present time is concerned, this is not how prisoners should be treated, especially these Moplahs. I do not speak of them only because they are my co-religionists, but because I know they have fallen victims to martial law. They have been sent to this place which is immoral to the core.....

The Honourable Sir Alexander Muddiman : Quite incorrect ; the Moplahs are in their own village.

Maulvi Sayad Murtuza Sahib Bahadur : So far as the Moplahs are concerned, Sir, you are quite right, but so far as the general atmosphere of the place is concerned, it is abominable. I can quote authority from the Report of the Jails Committee which my Honourable friend the Home Member could not but rely upon. Now, Sir, my Honourable friend the Home Member will excuse me when he sees me a little heated, but what I have seen with my own eyes I have given expression to. In the Resolution of the Government, dated the 27th February 1926, much stress has been laid on the fact that, by spending 4½ lakhs for filling a swamp, the malaria-carrying mosquitoes could be put an end to and the result would be that the Islands would be free from malaria. I have to invite the attention of the House to the fact that this theory is not supported by the medical officers of the place. What do they say, Sir ? The Senior

[Maulvi Sayad Murtuza Sahib Bahadur.]

Medical Officer in the Administration Report of the Penal Settlement for 1922-23, at page 33, states :

" Malaria cases mostly occur during the rainy season when other *anopheles* besides *ludlowi* are very numerous. *Ludlowi* being a breeder in salt swamps has suitable conditions for breeding all the year round ; other varieties breed during the rains in fresh water. They are very numerous then and are practically absent during the dry season. It is during the season of greatest prevalence of other *anopheles* mosquitoes besides *ludlowi* that most cases of malaria occur."

Again in the same Report he says :

" The inhabitants of the police lines in Aberdeen remote from the Salt Swamps suffered as much from malaria as the inhabitants of Aberdeen where houses border the Salt Swamps."

Again in the Administration Report for the year 1923-24, he says on page 41 :

" In the 1922 report it was pointed out that though *Ludlowi* may still be the chief carrier of malaria, other *anopheles* must not be ignored. This year a large number of cases came from the areas undergoing clearing and from newly built villages not close to the Salt Swamps which lends force to this fact. Also in Viper District a fuliginosus variety *Nivipes* made an early appearance in large numbers and this is a known malaria carrier."

At page 39 he goes on further and states :

" It is difficult to compare faithfully this year's health with that of previous years owing to the changed conditions and the transfer of debilitated and sick convicts to the Indian jails. That it was a bad year for health cannot be gainsaid. The factors mentioned in last year's report as accounting for the general improvement in health have been in operation throughout this year also but in spite of them the sick-rate and still more the death-rate has gone up considerably. Bowel disease and malaria are almost entirely accountable for this increase. Of the bowel diseases causing ill-health, dysentery easily leads the list."

Such being the case, Sir, my Resolution says that the Governor General in Council may

" be pleased to abandon the Andamans as a penal settlement by sending back all the Moplah and other prisoners, and also to throw it open for free colonization, removing all restrictions on communications, settlements, etc., and also giving all the necessary facilities to the settlers."

I have explained the first part of my Resolution. As regards the second part, Sir, that it should be thrown open to the public to settle there, this is a recommendation made by the Jails Committee about which an assurance, as I have said, was given on the floor of this House in 1921. I do not see any justification for the Government attitude being changed afterwards. Those prisoners are subjected to many a hardship consequent upon malaria, dysentery and other things, and the whole atmosphere is very bad. The Honourable the Home Member said that so far as the Moplahs are concerned they are all right, they are located in different villages, which is quite true, Sir. Nine villages have been set apart for the Moplahs. During our stay of about 6 days there we visited almost all the villages set apart for the Moplahs except Hashmatabad, because of its inaccessibility. Even the tahsildar who accompanied us said they could not take us there, otherwise we would have visited even that village. But in the villages we visited we found the condition of the Moplahs and that of the families that have been deported there along with those Moplahs to be miserable. I can assure the Honourable the Home Member that when their hardships were placed before us we were moved to tears—not only the Mussalman members of the Committee

but also Dr. Mugaseth, who is a Parsee gentleman. We could not control our tears when their difficulties were put before us. Such is the real state of affairs. No doubt the Honourable the Home Member also visited the Islands a little prior to our visit, but he could not be expected to have visited all the villages. So far as we are concerned, we visited all the villages except one. Out of 9 villages we visited 8 during the short period of 6 days, and the only village we did not visit was Hashmatabad. We could not visit it simply because it was inaccessible.

Mr. K. Ahmed : How many days did you take ?

Sir Walter Willson : Six.

Maulvi Sayad Murtuza Sahib Bahadur : Under these circumstances I make special mention of these Moplahs, about whose repatriation a Resolution has already been passed by the Madras Council, and I hope our large-hearted Home Member, whose humanity is well known, will come forward not to oppose my Resolution but to give me some assurance as regards these miserably circumstanced convicts. My Resolution is of all-India importance. So far as the Moplahs are concerned, as I have said, they number only a thousand and odd ; but there are others—Hindus, Christians, Sikhs and others, who number about 6,000 in all. My Resolution is that all of them should be sent back to Indian jails. This is what they expressed to us though we were not sent to go into all those things, but they volunteered this and said " We prefer Indian jails to the Andamans which is a land of disease and discomfort." So this is really a question of humanity. So far as Indian Members are concerned, be they nominated or elected, I do not entertain any doubt as regards their support to my Resolution ; and as regards non-official European Members, I am quite sure they will also support me.

Mr. K. Ahmed : They will not.

Maulvi Sayad Murtuza Sahib Bahadur : They will, Sir. I am sorry Mr. Kabeerud Din Ahmed tries to weaken my case. So far as the Honourable the Home Member is concerned, I would request him at least to adopt the attitude which he adopted when I moved a Resolution regarding the North-West Frontier question. The Government Members remained neutral, allowing all others to vote as they pleased. Then I hope this Resolution will be carried even without the support of many Indian Members who unfortunately are absent to-day owing to some technical difficulties. With these words I commend this Resolution to the acceptance of the House and I hope that the Honourable the Home Member who has already made mention of one point in the Resolution, dated the 27th February, that after he received our report the matter would be considered, will give me some assurance so that this Resolution will not have any difficulty in being passed. With these few words I commend this Resolution to the Assembly.

Mr. Mahmood Schamnad Sahib Bahadur (West Coast and Nilgiris : Muhammadan) : Sir I heartily support this Resolution as I have got first-hand knowledge about conditions in the Andamans. Sir, before I proceed further I will request the House to treat this matter as a matter of vital importance, a matter of life and death to thousands of His Majesty's Indian subjects. The chief reason I am urging the abandonment of the Andamans as a penal settlement is the unhealthy and immoral conditions that are prevailing there. Though several attempts were

[Mr. Mahmood Schamnad Sahib Bahadur.]

made to remedy these conditions it has not been practicable to improve them in any way. In 1919 the Government of India appointed a Committee composed of several eminent members to investigate and recommend among other things whether the Andamans should be continued as a penal settlement. This Committee after a prolonged enquiry of nearly two years recommended in their Report that transportation as a sentence recognised in the Indian Penal Code should be abolished, its place being taken by rigorous imprisonment; in those Provinces where the jails are insufficient to detain prisoners now deported, additional accommodation should be provided as soon as possible; and the number of females being very small—242—at the time, they should all be brought back to India at once and distributed among the Provinces to which they belong.

Sir, as a result of these recommendations the Honourable Sir William Vincent, the then Home Member, announced in this Assembly in March 1921 that the Government of India had decided to abandon the Andamans as a penal settlement. Several prisoners, including all the females, were brought back to India thereafter.

Regarding the closing of the penal settlement, the Government, in a Home Department Circular issued on the 27th February, say in paragraph 4 :

"The task of closing the Penal Settlement has not been found an easy one. At the outset, two serious difficulties were experienced. In the first place, there was the considerable number of self-supporters in the Settlement who were enjoying a life of semi-independence. To have transferred all these prisoners forthwith to Indian jails to serve the remainder of their sentences in close confinement would have been a serious hardship. On the other hand, the decision to close the settlement could not be regarded as a sufficient reason for releasing self-supporters before they had served their sentences. The second difficulty was the congested condition of Indian jails in most provinces which rendered it impossible for Local Governments to agree to the immediate transfer of a large number of prisoners."

Now, Sir, with regard to the question of transferring the prisoners from the Andamans to Indian jails, I submit that it is no hardship to the prisoners, as all of them gladly and willingly volunteer to serve out their term of imprisonment in Indian jails. Not only the Moplah prisoners, but all the others as well, told us that they would prefer Indian jails to the so-called freedom in the Andaman Islands.

Then the congested condition of the Indian jails is certainly no excuse for not transferring the prisoners to the Indian jails. It is certainly the duty of the Government to expand the Indian jails. Although it is now six years since the Jails Committee recommended that the Indian jails must be improved and expanded, Government have not yet taken any steps in this direction. On the contrary, Government have tried to induce the convicts to take their wives and children and settle in the Andaman Islands. The Government in paragraph 8 of their Resolution say :

"To complete the description of steps already taken to develop the settlement, mention must be made of the efforts to induce convicts to import their wives and families and also the efforts to obtain convicts in Indian jails to volunteer for transfer to the Andamans. The attempt to provide a population by the settlement of married convicts has had little success so far except in the case of the Mappillas, but Government hope that further efforts may prove more successful. In the case of the Moplahs the scheme has proved an unqualified success."

Now, Sir what is this boasted success in the case of the Moplahs? I have spoken to all of them. They never volunteered to go to the

Andamans. They consented to go there only under threat by some subordinate officials and policemen. You can very well imagine what is meant by inducement by policemen.....

Mr. K. Ahmed : Is that true ?

Mr. Mahmood Schamnad Sahib Bahadur : Now, even supposing that these people consented to go to the Andamans, will Government be justified in taking them to such an unhealthy place as the Andaman Island ? For example, suppose there is a plague-infected house. Even if the inmates are willing to go and live there, will the Government be justified in sending or even in allowing them to go and live in that house ? The development of the Islands is not sufficient reason for sending convicts there.

Then about the health of the Islands, the Jails Committee in paragraph 547 say as follows :

“ The records of the settlement are full of references to the fever which prevailed from year to year, and this fever was necessarily very unfavourable to the success of a project for the colonization of the Islands from the convict population. The prisoners who survived and who were released were exhausted by malaria ; their offspring suffered still more from the same cause ; and there was a natural disinclination to remain in Islands which were thus afflicted ”.

And the place is, as the Honourable Mover of the Resolution said, very marshy, it is full of jungles all round. These convicts are always at the mercy of wild tribes who take pleasure in killing any man who tries to intrude into the privacy of their homes in the jungles. They have never been subdued. These prisoners are asked to clear the jungles and make some settlement there. They are killed by arrows. The houses being built on the ground floor are always damp. For about nine months the floor is wet owing to the severe rains ; and the walls of these huts are made of *thatties*. Almost all the prisoners that I saw were suffering from fever or from the after effects of fever. Many of them had enlarged spleen.

Now, about the immorality which prevails there, the Report of the Jails Committee in paragraph 548 says :

“ It has been said that men often accept the position of self-supporter with a wife from the female prison in order to live upon her immoral earnings. As prisoners came to be finally released, a free population gradually grew up, but this population, being mainly drawn from the convict class, was stamped with the same vices which characterized that class. In consequence the moral atmosphere of the settlement has been thoroughly unhealthy. No decent prisoner would wish to bring his wife and family to such a place, and accordingly any attempts which may have been made in recent years to induce released convicts to bring their wives and families to the settlement and so to relieve the social evils of the place could not be expected to succeed. On the contrary, every man who retains any sense of self-respect desires to get away and to take his relative with him. In the course of our visit, we saw some of the self-supporters, men with young and growing families, who wished to return to India in order to give their children a chance of being brought up in healthier and more decent surroundings ”.

There is no system of marriage. Any woman can go with any other man. She is the wife of one man for a day or for a week, and in the next week she is the wife of another man.

The Honourable Sir Alexander Muddiman (Home Member) : It is absolutely incorrect.

Mr. Mahmood Schamnad Sahib Bahadur : For the so called marriage they have only to go before a medical officer, and, if he examines and

[Mr. Mahmood Schammad Sahib Bahadur.]

passes them, there is no need for them to go before a Qazi, a Bhatta or Purohita or anybody else.

Absence of reformatory influences and unnatural vices that prevail there are also some of the reasons against this proposal.

The industrial or strategic value of the Islands cannot be a sufficient reason for their retention there. It is not contended that they should be abandoned altogether. Let the Islands be developed by all means

1 P.M.

by the employment of free labour for which there is no difficulty, as is admitted by Government in paragraph 12 of the Resolution which says :

" Free labour can now be imported at moderate rates and Government itself has been successful in establishing a small but genuine settlement of some 30 Karen families in the Middle Andamans. They hope to be able to place several hundred more Karen families in the same locality where labour is required for forest work. A party of 160 returned emigrants from Natal recently arrived in Port Blair with the intention of settling in the islands and Government will welcome further parties of the same class who are prepared to accept local conditions."

The Islands may also be developed by dividing them into suitable holdings and giving them on favourable terms to settlers from outside. I have no doubt that sufficient number of people from Burma, Assam, Bengal and other places will take advantage of this immediately if only favourable terms are given and other facilities are offered for settling there. Land tenure is very insecure now. There is no free communication with the main land. There is no law, no vakils ; all these things must be remedied. The same civil and criminal law as we have in India must be made applicable there also. Free communication and free trade must be encouraged. The land tenure system must be improved. The changes that are to be introduced under a new Regulation to come into effect soon are not far reaching enough. There must be a land tenure system similar to that in India. Therefore, no consideration should prevent the removal of all the prisoners now there without delay to India. They have no freedom of choice like free settlers who can go away as soon as they find the place unsuitable. The Jails Committee say in paragraph 562 :

" Accepting, however, in full the statements made by the authorities of the Andamans, it does not appear to us that they furnish a sufficient reason for the continuance of the system of transportation on its present scale, if on other grounds that system is shown to be opposed to the welfare of the prisoners concerned. There can be no doubt that the employment of convicts in the cultivation of rubber and cocoanuts involves much exposure to weather and is otherwise hardly consistent with sound methods of prison administration. It necessitates the convicts being very much scattered, thus rendering supervision difficult and facilitating the continuance of some of the existing abuses noticed above. The heavy rainfall of the Islands during the greater part of the year is trying to the health of the prisoners drawn, as they are, from all parts of India, including dry zones like those of Sind and the Punjab, and we doubt whether it is justifiable to expose such prisoners to these conditions, even though it were proved that the operations were financially successful. Moreover, the financial success of the undertakings involves an element of doubt. If they are as profitable as their advocates suggest, there should be no difficulty in making them pay under the same conditions as those which regulate similar enterprises in Burma, the Straits Settlements and the Dutch Colonies, that is, by the employment of free labour. If, on the other hand, convicts are needed in order to show profits, we think it is probable either that all the elements of cost in the supply of the convict labour are not taken into account or that the necessity of treating prisoners with due consideration has been lost sight of. Convict labour is notoriously less efficient than free labour and

is, therefore, *prima facie* more expensive, nor does the absence of a wage bill usually make up for this, when the cost of guarding, maintenance, superintendence and capital outlay are all fairly allowed for. Moreover, in the case of the Andamans, this cost is enhanced by the expenditure involved in transporting to the Islands not only the convicts themselves but their food, clothing and almost all the necessities of life. Nor must the need for a large amount of medical attendance and for increased provision against sickness due to the prevalence of malaria be omitted. If these are not provided and if the prisoners are not adequately housed, fed and cared for, the industry on which the men are employed may pay, but the profits are obtained at the cost of the prisoners, who, being compulsorily detained in the settlement and forced to labour, do not possess the power which free labourers would have of protecting themselves by leaving the work and the Islands. We should prefer to see these enterprises placed entirely on a business footing and run without any assistance from the convict population. In the case of forest exploitation this is now proposed to be done and the forest officials expressed themselves as in favour of the introduction of free labour and the entire withdrawal of convicts, as soon as the necessary arrangements can be made. Similarly, in the case of the rubber and cocoanut plantations we see no reason why free labour should not be attracted from India or Burma, if suitable terms are offered. If it is thought advisable, the rubber and cocoanut plantations might be retained under the control of the Chief Commissioner and worked in the same way as the Forest Department, subject to his general control, in exploiting the timber supplies of the Middle and Northern Andamans."

Mr. President : I cannot allow the Honourable Member to read the whole of the Report. He has already exceeded his time limit.

Mr. Mahmood Schamnad Sahib Bahadur :

"An alternative plan would be to grant a lease of those portions of the settlement at Port Blair which are suitable for cocoanut and rubber to a private company who would then make their own arrangements in regard to the supply of labour and all other matters. We are strongly of opinion that the future of the Andamans as a penal institution should not be decided on the basis of the actual or potential value of the Islands as a commercial or industrial proposition."

Sir, I hope all these things will be taken into consideration by the Government and they will accept the Resolution without a division.

Dr. K. G. Lohokare (Bombay Central Division : Non-Muhammadan Rural) : Sir, it seems to me this Resolution combines two distinct propositions, the first being the question of the penal settlement and the second the question of arranging for the colonization of the Andamans. This admixture of the two proposals, one demanding that the Moplahs and other prisoners in the Islands be sent back to India and the other demanding colonization, (*Mr. K. Ahmed* : "How would you write out your prescription ?") seems to have created some sort of confusion. If the one thing is to be achieved the other is not a matter of so much importance to the Honourable Members who have thought fit to move this Resolution. I understand that the motive underlying this Resolution is that the Andamans as a penal settlement should be abandoned, and it is with a particular view of the relation between crime and punishment that I would discuss this question. When we think of the progress made in the science of analysis of crime it appears from the psychology of crime that it is only mentally deficient men who are criminals. If that psychology is to be accepted, then I doubt whether isolation of such criminals has the desired effect. Isolation of these criminals, not by themselves but in a group of similar persons, is itself detrimental to the purpose for which they are thus isolated. We have really to look more to influences which go to humanize these men, and not simply to their isolation in some remote place. By such means instead of making any improvement in these men we render them more callous and when we return them to society after their period of transportation, we return

[Dr. K. G. Lohokare.]

them in a worse condition than they were in before. That is the greatest objection to such isolation of criminals. If the psychological theory of mental deficiency of these criminals is to be accepted, then I think that instead of sending them to the Andamans straight they should first be confined in Indian jails, and if they are found to be really hopeless cases then alone should they be isolated.

That a man has committed murder on the spur of the moment, is not a justification for constituting such a system as a cure for the mental deficiency that he has. He ought to be tried or rather treated in a jail in order to see whether improvements can be effected in the person. If the theory that punishment with pain and torture alone is a cure for crime is to be accepted, I am afraid we are going back to the 13th century ; and under the present circumstances this practice of the relation of punishment to crime, in view of the doubtful effects of the treatment to be meted out to these criminals, must be revised. The system prevalent is antiquated and consequently needs overhauling. If these criminals are to be allowed to mix in a society of a far higher level than criminals after they finish their term of transportation, then it is reasonable enough that a fair trial should be given for the improvement of these men, amidst ordinary surroundings in local jails. Unless that first step is taken, I think it is most fatal for society itself to transport such men immediately. I have had some experience of jail life (Laughter)—as a servant of the jail administration ; and while dealing with such long-term criminals, I have found that a little bit of persuasion, a few kind words, a little bit of mental effect as it were brings about an improvement in such men ten times better than what would be possible either by isolation or by tying them with iron bars or by handcuffing them for day and night. I have had experience of such work. (*An Honourable Member* : “ But there are stone walls.”) That may look to you as something very deterrent, but that too has to be used only for a time, and not always—for a certain period only, so that the criminal may be paid particular attention to with a good opportunity for improvement. Sir, I am afraid we are using such means in these cases as would never serve the purpose of improving human society, and it is this aspect of the question that has to be borne in mind in dealing with this penal settlement of the Andamans. The other question, colonization, can, I think, be safely left to the Government. If they think it is a profitable business to colonize the Andamans, they may undertake it. If they think that colonization

Mr. K. Ahmed : Free colonization.

Dr. K. G. Lohokare : Yes ! free colonization, as my Honourable friend puts it, is a commercial proposition, they may undertake it. If not, it may be left to private enterprise—if some think it possible—to be undertaken on their own account. The two questions need not be combined here. The first part of this Resolution is more important, and I commend this aspect of the question to the House.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I confess that it is with considerable satisfaction that I find that at length a Resolution in regard to the Andamans has reached discussion. I am very anxious that the House should be aware of the facts in as full a

manner as possible in order to explain to it the definite policy of Government and our hopes, our very definite hopes, with regard to the future of the Andamans. I have myself visited these islands, and I therefore also can claim to speak with some authority on the matter. I have traversed every yard of pucca road in the Andamans ; I have visited the north Andaman, the middle Andaman, the south Andaman and the Cinque Islands to the south again.

Mr. K. Ahmed : What about the parts where there is no pucca road and where unnatural offences and immorality are prevalent ?

The Honourable Sir Alexander Muddiman : I can inform the Honourable Member that there are some 85 miles of road, and that the roads are in certain respects better than those in the neighbourhood of Calcutta.

As my Honourable friend, Dr. Lohokare, pointed out, this Resolution really raises three points : the abandonment of the Islands as a penal settlement, the return of the Moplah prisoners, and the free colonization of the Islands. Now, these are not necessarily connected subjects. As a matter of fact I think those who have listened to the Mover and the gentlemen who followed him will be convinced that the important point to their mind is the return of the Moplah prisoners. For the moment I will set aside the question of the Moplahs ; I will deal with that as a separate matter. The first question is the abandonment of these islands as a penal settlement. Sir, that is the definite policy of the Government. It was laid down by my Honourable predecessor, Sir William Vincent, in 1921, that the Government had decided to abandon the Andamans as a penal settlement. Towards that policy we are working ; but it is no use attempting the abandonment unless you have something to replace it. The change, moreover, must be slow. Much money has been spent on the Islands. If the whole population were withdrawn at once, even if it were possible to accommodate it in India, it would result at once in the Islands going back to jungle. However, we have not been remiss, I submit, in our efforts (1) to close down the Islands as a penal settlement, and (2) to alleviate the lot of those who are there. I beg the House to believe that there is no man who feels more keenly than I do the desirability of reclaiming criminals in this country. A very large proportion of the criminals in this country are the victims of circumstances. I do not refer to the professional criminals, I refer to those crimes of violence to which ill-educated and excitable people are necessarily very prone. It has been said to me in the Andamans that the best behaved prisoners are generally the murderers, and it is undoubted that this class includes persons who are not in the ordinary sense of the words of criminal proclivities. I should like to point out that there are two difficulties in closing this settlement. First, there are a considerable number of what are called " self-supporters ". These men are often located in their own houses, they own cattle, they cultivate land—and, as I shall explain to the House later, their position has recently been greatly improved in many respects. They are in many cases married, having children. To return them to Indian jails would be a very great hardship indeed. The other difficulty is that if you get a large number of longterm prisoners returned to the Provinces, you cannot lock them up in the ordinary district jails. You have got to build proper central jails, and the Local Governments have not at the present moment got these jails, and I do not know when they are going to get them. Therefore, although we did return a large number of convicts, it is not possible to return as many as we would wish. I will give the House the

[Sir Alexander Muddiman.]

following figures. In 1921 there were 11,000 convicts in the Islands. By December last we reduced them to 7,000, that is a reduction of some 33 per cent. Now, besides the convicts in the Islands, you have got to remember there is another class of persons who live there. They are not convicts at all, they are the descendants of possibly a convict who has been released and a free woman or the descendants on both sides of convicts. I made it my business to meet these people. I saw them not only in deputation, but I inspected their schools and also their very excellent boy scouts, and I may say that a finer body of young boys I have hardly seen in India than these descendants of ex-convicts. They wear khaki shirts and shorts, with well-brushed hair, clean and neat—and they compare very favourably with those who have had a far better start in life. This population is one of very considerable importance—some 4,000 to 5,000 people very much attached to the Islands. That is the position, Sir, as regards the two classes of population in the Islands. Now, we have not been idle moreover in dealing with the actual treatment of convicts. We have endeavoured to reduce the convict population on the one hand, and, on the other hand, we have endeavoured to offer such inducements to the convicts that they will on release settle down as free settlers. We had a certain amount of success in that. We have granted tickets-of-leave more liberally. Convicts now get wages on a sliding scale according to their skill. We have granted them rations and clothing in order to do away with the stigma of convict clothes. These have produced very tangible results. In 1919 there were 10,000 labouring convicts practically employed on public works in the Islands. We have reduced that number now very greatly and we have only got 5,500 convicts so employed, which include a large number of self-supporters. It is a very interesting fact, for which I have the authority of Colonel Ferrar, and which I myself observed, that self-supporters have greater self-respect, work better and enjoy better health. To give a concrete example—in the Chatham Saw-mill we formerly employed 57 labouring convicts and 159 self-supporters, a total of 216. The daily sick rate among labouring convicts was 35 per cent. and self-supporters 25. We now employ only 197 self-supporters in the mill and their sick rate is very low, only 2.25. That is a noticeable improvement. In 1925 out of a total population of 7,740 we had 2,105 self-supporters who were drawing a Government wage, and we had 2,272 who were agricultural self-supporters. An agricultural self-supporter is one who lives in his village, has his own cattle, his own land and cultivates it. One of the great difficulties that stood in the way of any progress in the Andamans was the fact that no convict or indeed anyone else could get a permanent lease of land. We have changed that. This year we passed a new Regulation which enables grants of land to be given to larger holders while small holders can get occupancy rights. We have gone further. If a convict cultivates land previous to his release and continues to cultivate the same land afterwards, the period of his cultivation as a convict counts towards his occupancy right. There we have given a real chance of hope and development. We have increased cultivation from 1921 to 1924 from 3,300 acres to 6,400 acres, that is, in 4 years by 94 per cent. That, I think, is a considerable figure in a transitional period. The plan I have put forward and which I hope will be successful is now not to make the Andamans a place over the door of which is written : “ Abandon hope all ye who enter here ”, but a place where the convict who wishes to turn over a new leaf

will have a chance of a new life in new surroundings. The men who go there in the future will not be taken unless they are what are called men of good character, well behaved young men of the star class, and they should be prepared to take their women folk with them. That is the only way, and we cannot develop any kind of settlement there without that. When they go there, they will be given the opportunity of living on the land, and I honestly think that anybody who opposes a system of that kind is doing a great disservice to many people in this country. There is really a hope for a new life for men under these conditions, a hope which they could not have if they were confined for years in an Indian jail. I would ask those who talk of the terrors of Andamans whether a long term of imprisonment in Indian jails is quite as desirable as they think.

Now, Sir, a great point has been made as to the unhealthiness of the Andamans. The climate of the Andamans is tropical and wet and there is malaria, but the Islands are not any more malarious than many other parts of the world. Malaria is there ; it is largely a question of spending money to stop it. My Honourable friend the Finance Member has been good enough to give us money to enable certain of the unhealthy swamps to be filled up and there has been a great improvement in the health of those villages which were near the swamps. I have in my hand a letter from the Chief Commissioner, dated not later than the 18th of last month, in which he says that there has been a striking absence of malaria and undoubtedly the malaria figures at present are low. We have also got a doctor going out there to continue the malaria investigations we had to stop some years ago. I have no doubt that, if this House will allow me to spend a little money in the Andamans, we would be able to make the Andamans as healthy as other places with the same kind of climate. Complete immunity is hardly possible, though it is a curious fact that in one of the Islands there is very little malaria and hardly any in the forest camps in the North Andamans. I cannot but think that the high malaria figures were very largely due to the men being kept in the central jail and in the barracks which were near these swamps which we are now filling up.

Now, Sir, so much for our policy. It is, I submit, the only reasonable policy to carry out. We are moving towards complete abandonment of the Andamans as a penal settlement. It cannot be done at once, and we are endeavouring to do it in the best way possible. We are quite prepared to receive criticisms, which may be made on our efforts, but it is quite unfair and very unreasonable, in view of our Resolution of the 27th February, for the Mover of the Resolution entirely to ignore that side of the question and deal with the case as if nothing had been done since this Jail Report.

Now, Sir, I come to the question of the colonization of the Andamans. I cannot understand, if the Andamans are the hot-bed of disease and malaria which they have been represented to be, why my Honourable friend wants colonization. Is it reasonable to ask men to migrate to swamps where they would die of fever ? Is that desirable ? Of course it is not so. My Honourable friend knows as well as I do that the Andamans are not Islands of that kind. I go further and say that they are a most valuable property of the people of India, which, if properly, developed,

[Sir Alexander Muddiman.]

would be a minor Ceylon. There are great opportunities in the way of cultivation, great opportunities in several other ways. The beauty of the southern Island is remarkable. Only those who have seen the green peaks running down to the golden sands, the blue water, so clear that you can see the rocks 100 feet below, can realise how beautiful the scenery can be. If the Islands were on a regular steamer route, the Steam-ship companies would very soon have people going out from Calcutta and Rangoon for a pleasure trip. As regards the development of the Andamans we are already doing something. We are prepared to entertain applications for land from all classes of persons, but we must warn them all definitely that the Islands are tropical; cultivation there involves hard physical labour which would be uncongenial to people not accustomed to the moist heat, and the applicants must have a certain amount of capital. My friend Colonel Ferrar would be prepared to consider favourably *bona fide* applications from persons on those lines. We have indeed in the north Andaman established a Karen village which is doing exceedingly well. They have built their own houses and cultivate their lands and are genuine settlers. The House will observe that there are opportunities for developing the Islands in that way. It is impossible that all restrictions can be at once withdrawn; and I may point out that there are some advantages in restrictions. Diseases of both men and plants are excluded. For example, there is no small-pox, no rhinoceros beetle.

Mr. K. Ahmed : What about the swampy lands and the diseases described in the Central Jails Committee Report? Why has it been so much referred to in that Report?

The Honourable Sir Alexander Muddiman : I said there was no small-pox. I did not say malaria; there is a good deal of malaria there. As I said before there are possibilities of progress. The cocoanut industry is a prospering industry there. Tea is grown there, rubber is grown there and coffee is grown there. At present there are favourable opportunities in these directions for people who can afford to wait. Just as in any other country, you cannot, of course, expect to get your rubber in six months or to make a fortune without capital. You have got to invest money and wait.

Now, I turn to what really is a side issue of this Resolution. As I have said, I have no difficulty in accepting in principle that the Andamans should be abandoned as a penal settlement. That it should be abandoned now and at once is not possible. I have no difficulty in accepting the view that we should move as fast as we can in the direction of colonising the Andamans, because I believe it is a good proposition. That really deals with the main Resolution for, as Dr. Lohokare pointed out, the subsidiary question, namely, the release of the Moplahs, does not arise on the main issue.

Khan Bahadur W. M. Hussanally (Sind : Muhammadan Rural) : There is no question of releasing the Moplahs. It is a question of transferring the Moplahs so far as the Resolution is concerned.

The Honourable Sir Alexander Muddiman : My Honourable friend points out that it is a question of retransferring the Moplahs. That will enable me to shorten my arguments. I ought to tell the House very briefly how these Moplahs came to go there. In 1922 we permitted as a special measure the transfer of Moplah convicts in Madras to the Andamans.

This was done to relieve the congestion in jails in the Madras Presidency. The local authorities in the Andamans told us that the Moplahs made very good settlers. The climate of the Andamans is very similar to that of Malabar and the conditions governing the grant of land were very much better than those prevailing in Malabar. The policy was to encourage them to remain on the island either as self-supporters or workers on plantations. I am told by my Honourable friend Sir Charles Innes, who knows Moplahs better than I do, that they are particularly good jungle clearers and are always the first settlers on the fringe of cultivation. This would be one of their great assets to the colony. In any case, we brought them there. They were granted land; they were settled in villages, and they were permitted to import their wives and families at Government expense. We built them mosques and we gave them school masters. Now, I visited these villages, and the impression left on my mind was very different to that of the Mover. I could not hear my Honourable friend very clearly, but I gathered that it was suggested that the villages were mostly in the middle of the jungle surrounded by the most unsatisfactory physical conditions. Here is a book of photographs which I place on the table should any Member desire to look at it, which shows the Moplahs, their villages, their mosques and their crops. He would see, I think, that, at any rate, there is no suggestion that they were improperly housed. At any rate, as recorded by the photographer, they look cheerful and they were certainly smiling on the day I visited them. I can myself testify that they have built themselves extremely good villages as Moplahs generally do on the top of a small hill and that they live absolutely by themselves. The suggestion that they are molested by the rest of the convicts is entirely baseless because, I am told, they are regarded with such terror that no one ventures into their villages. Now, it may be that there are some Moplahs who desire to return. My information is that numbers of Moplahs are trying to have their wives sent out to them. They desire to settle down there. If the choice was the choice between release from jail or remaining in the Andamans, then the position would no doubt be difficult.

I now return to the history of these Moplahs in the Andamans. Very soon after we started our scheme on a good basis and began to place them in villages and had got the Moplahs in a considerable state of contentment, agitation was raised, not among the prisoners, but in Malabar where it was represented that we were deporting the Moplahs in the interests of the Nairs who were anxious to get rid of them from Malabar. Rumours were further circulated that the Andaman Island was a most unhealthy spot. My Honourable friends then began to take interest in the matter and, as far back as March 1925, I asked my Honourable friend Mr. Schamnad to go to the Andamans, not to investigate the present conditions in the Andamans for which, as far as I know, he has no particular qualifications, but for the purpose of visiting the Moplahs and seeing how they were being treated. Thereafter, the matter assumed rather a wider aspect because the offer was not accepted by my Honourable friend who spoke second in this debate. In 1925 it was suggested that he and the Mover should go to the Andamans. In the meantime, a Resolution was carried in the Madras Legislative Council asking that a representative committee might be sent to the Andamans to inquire into the conditions there, and it was thought that there was no use having two deputations, and, finally, a deputation was sent. Its personnel is known to the House and included two Members who have spoken to-day, Mir Asad Ali, Barrister-at-Law, who is a Member of

[Sir Alexander Muddiman.]

the Legislative Council, and Dr. Mugaseth, a Parsee medical practitioner. Dr. Mugaseth submitted his report with commendable promptness. We received it on the 9th December. My Honourable friends did not submit their report till March. That report is now with me and has not yet been published.

Maulvi Sayad Murtuza Sahib Bahadur: It was submitted on the 28th February.

The Honourable Sir Alexander Muddiman: I accept the correction; I have not got the actual date at hand. That report and the report of Dr. Mugaseth will be published. They will be published with a Government Resolution as soon as I have obtained all the necessary information in regard to them. Obviously any action on it required a reference to the Madras Government and the Madras reply was only received some week or 10 days ago. As I am greatly interested in this matter I am myself examining the Resolution with which the report will be published, but my Honourable friends need have no fears that their report will not be published and also that of their colleague, Dr. Mugaseth. Now, whilst this is under consideration, I do not think the House will ask me to explain in detail the proposals we have in view in regard to these Moplahs. I can give it as my own opinion, without committing the Government, that it would be criminal, on the one hand, to abandon these villages where the people are willing to stay. On the other hand, if they want to go back, I should be inclined, as at present advised, to let them go back, but it must be understood that they go back to jails. There is no question of release. Equally, on the other hand, I propose to allow any persons of this class now in Indian jails who are prepared to take their families, to go to the Andamans and start villages themselves.

That is the provisional conclusion at which I have arrived. I think it is not an unreasonable conclusion and I trust it will commend itself to the House.

As regards the main Resolution, we are really moving on the lines which are desired by the Mover of the Resolution. After what I have said I trust the House will see that I cannot accept the Resolution in the form in which it has been moved. I have gone very far to explain the position and meet the views of the Mover, and I trust that he will withdraw his Resolution.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move the amendment which stands in my name, and which, if accepted, would alter the Resolution to read as follows :

“ This Assembly recommends to the Governor General in Council that he be pleased to abandon the Andamans as a penal settlement by throwing it open for free colonization, removing all restrictions on communications, settlements, etc., and also giving all the necessary facilities to the settlers.”

After the very lucid statement made by the Honourable the Home Member, I do not think that there should be any difficulty in accepting my amendment. As Honourable Members are aware, the question whether the Andamans should continue as a penal settlement was decided by the Government of India as far back as 1921. There is, however, one point in connection with that decision to which I would draw the attention of the Honourable the Home Member. In 1921 Sir William Vincent appointed a Committee for the purpose of determining equivalence between transportation for life and rigorous imprisonment. That Committee reported, and after the report of that Committee was published nothing further has been done in that direction. The abandonment of the penal settlement of the Andaman Islands is closely connected with the question to which I have adverted, namely, the abolition of the punishment of transportation for life or transportation for a term of years. Members on this side of the House drew the attention of the Government to the fact that the punishment by way of transportation for life or for a number of years is an old and obsolete punishment by way of banishment, and that it does not find favour with the penal jurisprudence of modern Europe, and following on the lines of the latest pronouncement on the subject, the Government of India seem to have been influenced in abolishing the punishment by banishment. Now, Sir, the first question I should like to ask in this connection is, what effect has been given to the report of the Committee which reported on the equivalence between transportation and rigorous imprisonment? It was conceded, and it must be conceded, that transportation for a number of years and for life, which in practice means 20 years, being regarded as the normal period of life for penal servitude is a lighter punishment than rigorous imprisonment, and a comparison was sought to be made between transportation and rigorous imprisonment. That is the first question which has to be solved before the Andaman Islands are abolished as a penal settlement, because I do not think that it is the policy of the Government to continue the punishment of transportation and fix upon some other spot for the execution of that sentence. The second point I wish to make is this. The Andaman Islands have been described in this Resolution of the Government of India, dated the 26th February 1925, as an Island containing prisoners and ticket-of-leave men and free settlers, being descendants of old convicts. Now if the Resolution, as it is worded by the Honourable the Mover is carried, the effect would be that all prisoners who are technically prisoners but practically free men in that they are allowed large liberties to reside and carry on their occupations in the Andaman Islands, will be expatriated whether they wish it or no. I do not think, Sir, that either the Mover of the Resolution or his seconder, or indeed, any other speaker in this House has gone the length of asking the Government to retransport from the Andaman Islands to India and elsewhere persons who, though technically prisoners, are practically free men, and my Resolution, therefore, gives the Government a larger discretion in allowing practically free men to continue to reside in the Andaman Islands which they have made their home.

Now a question has been put to me privately by some Members who are interested in this Resolution. They have told me that, so far as my amendment is concerned, it is perfectly innocuous, but they asked me how are you going to determine whether these people, who reside in the Andaman Islands and who are necessary for the development of that Island

[Sir Hari Singh Gour.]

and, apart from being necessary for the development of that Island, are more happy and contented in the holdings they have and the lives they lead and the surroundings to which they have become accustomed, wish to remain on in that Island ; but if they do why should they not be given the liberty to do so ? It is necessary and desirable not only in their own interests but the interests of India itself and the development of its oversea possessions that they should be given the liberty to choose their home. Now, the question that has been put to me is this, that if this amendment is carried, would not somebody connected with the Government put pressure upon these settlers and residents in the Island to continue to reside there and not to go back to their homes ? Well, Sir, the answer to that question is that so far as freedom to live in or leave that Island is concerned, Honourable Members can suggest a procedure by which their true wishes would and could be ascertained. That is a matter of detail. We are here settling a broad policy and that broad policy is that we should not circumscribe the liberty of the people who being once voluntarily or involuntarily resident in the Andaman Islands choose to remain there and do not wish to come back to India ; and that is the underlying principle of my amendment. That is the second point.

Now, Sir, the Honourable Mover of the Resolution has no doubt quite unwittingly put into the terms of his own Resolution two directly and blankly contradictory propositions. In the first place, he says—and he has made no secret of the fact—that the Andaman Islands are a death-trap and therefore not good enough for the Moplahs, and for the matter of that, any other transported prisoners ; but if they are not good enough for prisoners how can they be good enough for the better class of persons, the free colonists whom he wishes to settle for the purpose of developing that oversea possession of India ?

Mr. Mahmood Schamnad Sahib Bahadur : They can come back ; they are free.

Sir Hari Singh Gour : Now it has been said by the interjector that they are free and they can come back. That is the very liberty I wish to give to people who are at present in the Andaman Islands and who do not wish to come back to the mainland. Can he deny them that freedom ? Can he deny the right of those people to say that they wish to make that Island their home and do not wish to return to the congested areas, it may be, from which they had been withdrawn ? Now, Sir, that, I submit, is the principle which distinguishes my amendment from the main Resolution. I feel with the Honourable the Home Member that it would be wrong if we were to decide that all persons, Moplahs or no Moplahs, who are there, who numbered 11,532 in 1921 and whose number has been reduced to 7,000,—that out of those thousands those who are practically free, those who have received inducements to settle down there and are contented with the lives which they lead and the place they live in should be extradited and thrown back upon their resources in India. That, I submit, is the cardinal difference between my amendment and the Resolution of the Honourable Member and his other co-protagonists.

Mr. Mahmood Schamnad Sahib Bahadur : Their freedom is only nominal.

Sir Hari Singh Gour : My friend Mr. Schamnad says they are only nominally free, they are not really free. That may be so, but give them the nominal freedom to decide for themselves whether they will remain there or come back here. My friend says, "This is all right". I am quite sure, Sir, that if my amendment is forced to a division, my friend will support me.

Now, Sir, these are the three points which influenced me in moving this amendment. Let me summarise them once more. My first point is that I want a statement from the Honourable the Home Member as to what is the policy of Government with regard to the decision on the subject of equivalence between transportation and rigorous imprisonment, and do the Government still adhere to the policy enunciated by his predecessor in this House that the punishment of transportation shall be done away with and commuted into a sentence of rigorous imprisonment? My second point is that if the Honourable the Home Member is prepared to adhere to the statement contained in this Resolution he cannot but support my amendment, namely, that so far as the Andaman Islands are concerned the policy of the Government of India is that those Islands should be abandoned as a penal settlement, but at the same time efforts must be made to develop those Islands with the resources at present available. In that view persons who are already resident in those Islands should be given the liberty either to remain on in the Islands of their free choice or to come back to India and undergo the commuted sentence for which, I submit, a new formula is necessary. My third submission is, and on that I think the Government of India and the Honourable the Home Member and ourselves are at one, that so far as this Island is concerned, we must do everything to develop its natural resources. It has valuable forests and it has other potential sources of revenue. All these economic factors must be taken into consideration and an effort must be made to develop the resources of this Island by a system of free colonisation. These, Sir, are the three points which have induced me to table my amendment, and I move it.

Colonel J. D. Crawford (Bengal : European) : Sir, I rise to take part in this debate because I myself, like Mr. Schamnad and the Home Member, have been to the Andamans. For six months I served there early in my military career and I rise particularly to protest against the very inaccurate picture of the Andaman Islands which Mr. Schamnad gave to the House.

Mr. K. Ahmed : In which year did you work there ?

Colonel J. D. Crawford : I feel that if this House is to come to a decision on any question, then it is the duty and responsibility of every Member who knows the facts to place those facts straightly before this House. So far as I was concerned the six months which I spent in the Islands have been some of the most pleasant in my career.

Mr. K. Ahmed : Which year was it ?

Colonel J. D. Crawford : I have been over most of the Islands shooting in the swamps which are reported to be so unhealthy, fishing round the coasts, and I have been actually out into the jungle among the Andamanese. My own feeling then in 1904 was that the Andaman Islands were a jolly good spot to live in. We had the additional advantage of not having wireless in those days, and we were consequently not worried by the Government of India.

Khan Bahadur W. M. Hussanally : Why did you not colonise there ?

Mr. Mahmood Schamnad Sahib Bahadur : The Jails Committee did not think so.

Colonel J. D. Crawford : The Jails Committee may not have thought so. I am giving to the House my own practical experience which I derived by seeing and hearing things with my own eyes and ears when I actually resided in the Andaman Islands.

3 P. M.

As regards the jail administration, I will admit that in 1904 the jail administration in the Andaman Islands, as in all the jails in India, was antiquated to a degree, and that is still the case in the Indian jails to-day. (*An Honourable Member* : " Question ? "). The immorality which was reported to have gone on in the Andaman Islands, I think, still takes place in some of the jails in India to-day, and one of the urgent questions undoubtedly in this country which requires attention is the question of the reform of the jail administration. But what was wrong in the penal settlement is equally wrong in your jails in India to-day. My own personal feeling was that prisoners in the Andaman Islands were far better off than they were in an ordinary jail. There is a certain amount of humanising element which requires to be brought into play in the lives of our prisoners, and that does not certainly exist in the jails in India. I think the Honourable Mover mentioned something about the remission of sentences. I remember, Sir, that in those times—I do not know what the position is to-day—but in those days a life prisoner was released after 10 years' service and allowed to settle in the Islands. I also remember that women convicts there were released after five years' service, provided they were able to arrange a marriage with a convict who had been given an earlier revision of his sentence. I remember being present at a parade of the women convicts when the male convicts came round to see if they could arrange a marriage with one of the women convicts. I was impressed with the happiness and prosperity of many of the convicts there, and personally I had a body servant, a murderer from the Punjab, who was one of the very best fellows. My own feeling is that Government's policy in agreeing to give up the penal settlement in the Andaman Islands is really a mistaken one. In fact, as far as I am concerned, if I had the choice of transportation to the Andaman Islands as against a life sentence in an Indian jail, I should not hesitate for a moment to accept the former. From what the Honourable the Home Member has said, it is pretty obvious that conditions have very much improved there since 1904, and I think that the statement which he made this morning as to the definite policy of the Government, as to the fact that we have no jails to transfer prisoners to in India, should bring the House to agree that Government's policy and Government's answer on this Resolution is one which we should accept, and I would ask the Honourable Mover of the Resolution to withdraw it.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadian Urban) : Sir, from the trend of the speech of the last speaker, and from some of the remarks made by the Honourable the Home Member, I am rather inclined to think that there is a tendency on the part of the Government to go back, if not in words, but in action, upon the policy which the then Home Member announced in this House on the 11th of

March 1921. At that time, Sir, after the announcement of the then Home Member, I said this :

" I am glad that this innocent motion has been productive of one good effect, namely, that at any rate, one hell is going to be put an end to although it may not be possible to put an end to the other hell. But this hell was man's creation, and therefore it is possible for him to put an end to it and I hope it will soon be put an end to ".

I borrowed the phrase " hell " from my distinguished friend who then adorned this Bench, this very seat which I am now occupying. I mean my friend from Karachi, Mr. E. L. Price, who was one of the most respected men in the first Assembly. Mr. Price on a motion which I then made for a reduction—in those days we used to do many budget heads and we were not content with passing or rejecting the first four items, in fact we used to go through the whole budget and subject it to many criticisms and amendments—on a motion of mine to reduce the budget head under " Jail Administration ", Mr. Price put this question to the Honourable the Home Member. He said :

" I think, Sir, that before we vote this money we ought to have some assurance from Government that the conditions of the ' hell on earth ' that has been revealed there will be ameliorated during the coming year ".

It was in answer to that question by my friend Mr. Price that the Honourable the Home Member made a pronouncement, a pronouncement of which we were all proud and with which we were distinctly satisfied. He told us then that even before the Jails Committee had reported, the Government of India of their own accord had resolved to reduce the number of prisoners in those Islands to about 1,500 or 2,000, and that only criminals of the worst type would be detained there. Sir, six years have passed or rather five years have elapsed since that statement was made. Has that been achieved ? It is quite apart from the Jail Committee's Report. On a motion made by my friend who now calls himself the Chief Minister of Madras, when he was a Member of the old Imperial Legislative Council, the Government accepted a Resolution for a Committee. They had then come to the conclusion that the number of prisoners should be reduced to 1,500 or 2,000. And what is the story we hear to-day ? The number has been reduced only to 7,000 and odd, and that, in spite of the recommendations of the Jails Committee to abandon the penal settlement. I was rather amused at the way in which the Honourable the Home Member has described the beauty of the Islands. In fact, I have heard it said that hereafter the name of the Islands should be changed and they should be called the Muddiman Islands. I hope, Sir, that if that change were effected, those Islands might become attractive for friends like Colonel Crawford who might wish to spend the evening of their life after retirement and go and settle there. So long as these Islands are used as a penal settlement, I am afraid the reproach cast upon these Islands as a penal settlement by an expert Committee which visited there and made their Report in 1921 will still hold good. Now, the ill success, as they call it, of the Settlement, of the Islands, as a penal settlement was due to malaria, absence of women, absence of reformatory influences and prevalence of unnatural vices. The Committee went into the question at great length. They argued that the Islands should be abandoned as a penal settlement, and we were told in 1921 that the Government of India had come to the conclusion, with the concurrence of the Secretary of State, that as a penal settlement it should be speedily abolished. As this happened more than five

[Diwan Bahadur T. Rangachariar.]

years ago, and as most of the Honourable Members who are present in this House to-day were not present when that announcement was made, I wish to draw the attention of the House to the exact words which were used by the then Home Member. This is what he said :

" We have now, after consultation with the Secretary of State, decided, subject of course to any criticisms of this Assembly, because this is a matter on which the influence of the Legislature may very properly be exercised, to abandon the penal settlement altogether "

And he further said :

" I am sure this Assembly will support us in the matter in the view we are taking, the decision that we are taking that the time has now come to end this penal settlement altogether."

And he further concluded with these words :

" I can assure this Assembly that this report has caused us the greatest concern and we will do everything possible that we can to remedy the defects that have been pointed out and I hope that in a few years—

mark the words—

"...in a few years this blot on the administration may be removed altogether."

Sir, if really that was the decision of the Government then I fail to see what efforts have since been made in that direction. It is quite true, as the Honourable the Home Member then said, that the provincial jails were not then sufficient to remove all those people back to this country, and what he said was that the difficulty in giving immediate effect to the recommendations of the Committee was that 8 or 10 new jails would be required to accommodate the prisoners. He said :

" Our jails at present are overcrowded and Local Governments may not be in a position to undertake the construction of a number of new jails immediately, but I can assure you that every effort is being made."

Now, I ask is the progress made since that definite announcement was made in 1921 satisfactory at all ? I have no hesitation in saying that I consider it most unsatisfactory and I do not wonder that it is unsatisfactory because our Honourable Home Member is so much enamoured of those Islands. And with that encouragement how can we expect the Local Governments to put their heart to the work of constructing more jails when they know the Home Member of the Government of India is enamoured of those Islands. Why should they at all make an effort to increase the number of jails for their prisoners ? The Home Member referred us to the large number of self-supporting convicts. He referred to their happy condition. He referred to the especial difficulty of dealing with this question in the way he would like. Now what did the Jails Committee say about these self-supporting prisoners. If my Honourable friend will refer to paragraph 303 of the Report he will find that they recommended definitely that this system should be abolished at no distant date. But my Honourable friend gives his blessing to that system.

The Honourable Sir Alexander Muddiman : No, I do not give it my blessing. I said we have made great changes in the condition of self-supporting prisoners.

Diwan Bahadur T. Rangachariar : This is all very well. But the question is, are you going to keep this as a penal settlement ? We came to the definite conclusion in 1921 that in a few years it should be put an end to, and can we say honestly that we have made earnest and honest attempts

in that direction ? I say, no, Sir. It is all very well. It may be a beautiful island ; it may be a most inviting place for free people. By all means let free people if they are so inclined colonize the Islands, and if you want financial help from this Assembly in order to develop those Islands as a free colony we will be at one with you, for I know, Sir, the resources of those Islands. The forest possibilities are very great and they are very encouraging. So also in regard to coconuts and to rubber. It is quite true ; but let us develop it as a free colony, not as a penal settlement for prisoners. It is quite true that as a free colony it may go back to a jungle. This was one of the points raised before the Committee, the question of the industrial value of the settlement and of retaining the settlement on that account. In paragraph 562 of their Report the Jails Committee examined that question most carefully. They said that it was inhuman indeed to use that argument to retain the penal settlement. If it can be developed by all means develop it, but not by employing convicts in surroundings which lead to unnatural vices, to a disproportion of sexes and other things. It is no wonder, Sir, that my Honourable friend Mr. Price took the view he did that it was a hell on earth, and I am surprised to hear from my friend Colonel Crawford, that he found it a beautiful Island to which he would encourage people to go. By all means let free people go.

The Honourable Sir Alexander Muddiman : Would you allow convicts to volunteer to go ?

Diwan Bahadur T. Rangachariar : So long as they are convicts I would not allow them to exercise any such option. Make them free men and then give them the choice, and then if they voluntarily elect to go to that place, well and good. But they are not free men while they are convicts and cannot exercise a free judgment. I would not for one moment accept their word that they wanted to remain there while they are still under watch and ward and under supervision.

Colonel J. D. Crawford : What would they be doing in an Indian jail ?

Diwan Bahadur T. Rangachariar : Well, Sir, from the mere fact that one place is bad it does not follow that we should send people out of their own country to live in bad surroundings and to turn them into worse men than they were when they were convicted. The Jails Committee themselves say that they become worse than they were at the time of their conviction.

Colonel J. D. Crawford : Have you been to the Andamans ?

Diwan Bahadur T. Rangachariar : No, and unless I am forced to go I do not think there is any chance of my going. But I go upon the report of the special Committee appointed by the Government of India. If that Committee went wrong, as my Honourable friend Colonel Crawford seems to think, then let us have another Committee to investigate the matter. Let us not dispose of the Report in the way we are doing. The Government of India in 1921 accepted that Report and promised this Assembly . . .

The Honourable Sir Alexander Muddiman : I deny that. They accepted the recommendation that the penal settlement should be terminated. From that understanding I have no desire to go back.

Diwan Bahadur T. Rangachariar : The Home Member says in so many words, " Well, we are going to abandon this settlement." But I judge him by his actions, not by his words. He embraces the Andaman

[Diwan Bahadur T. Rangachariar.]

Islands and he encourages the Local Governments to continue their deportations to the Andamans. Let him carry out what his predecessor said in 1921 he would do, namely, reduce the number to 1,500 or 2,000 of the worst criminals.

The Honourable Sir Alexander Muddiman : I do not want the worst criminals. I want the best criminals.

Diwan Bahadur T. Rangachariar : Then that is going back upon the policy enunciated by the then Home Member. Then let us have it out. The present Government of India under our very good Home Member is apparently not inclined to take the same view of the conditions of life of prisoners in the Andaman Islands as the Jails Committee did, or as the then Home Member did. What did the then Home Member say ? He said :—

“ For some years we have had misgivings about this Settlement. Although I think some of the statements in the Report are overcoloured, at the same time we have been under misgivings regarding conditions there. It is at a very great distance from the Headquarters of Government, and it is impossible for us to control or supervise work effectively and the settlement is also unamenable to outside influences. In 1913 Sir Reginald Craddock, my predecessor, made a careful inspection of the Settlement and he formulated his views in a report which is now on the records of the Government of India.”

As a result of all that that conclusion was come to. And if there is to be a revision of that decision I would give an opportunity to another Committee to visit the Islands. My Honourable friend, Sir Alexander Muddiman, was probably made more comfortable by the Chief Commissioner of the Andamans. But that does not give him that insight....

The Honourable Sir Alexander Muddiman : I may tell the Honourable Member that I was extremely uncomfortable. I was out in a *dinghi* for 24 hours, and I had a more uncomfortable time than any in my life.

Diwan Bahadur T. Rangachariar : I extend my sympathy to him, but at the same time, Sir, he must have read the Report of the special Committee which was appointed to inquire into the conditions of jail life and which went there for that very purpose, accompanied by no less a person than some expert from England, assisted not only by Indian experts but by home experts : and they came to this conclusion, and they have recommended that these steps should be taken. If you think that report is wrong, let us say so openly after examination, but till then simply to go by the expressions of opinion of Colonel Crawford, who was then a military officer of whom probably every convict was afraid, and before whom probably the convict went on his knees....

Colonel J. D. Crawford : Might I inform the Honourable Member that I was often accompanied by free convicts during my shooting trips.

Diwan Bahadur T. Rangachariar : We had an examination of the conditions of life of these convicts in these Islands. How can we throw the results of such examination away merely because Colonel Crawford's life or Sir Alexander Muddiman's life was comfortable there ?

The Honourable Sir Alexander Muddiman : I must really protest. I have never suggested for one moment that I proposed to go back on the settled decision of the Government of India that the penal settlement of the Andamans should be terminated as and when possible. To that I

adhere, and I must really protest against the Honourable Member continually suggesting that I do not wish to do so.

Diwan Bahadur T. Rangachariar : I am glad to have that assurance ; that is what I wanted, and I want that action should be taken in that direction. By all means let us do everything in our power to make that a colony for free people. That is my position, Sir. A few years have elapsed, six years have elapsed, and I do not want to allow the grass to grow under our feet. My Honourable friend has given his assurance, and I am sure he will put forward his best effort to see that this penal settlement is put an end to.

Lieutenant-Colonel H. A. J. Gidney (Nominated : Anglo-Indians) : Sir, I join in this debate not with any authority such as was claimed by my worthy friend, Colonel Crawford and others, of having visited the Islands though I have been officially invited to do so, but I join in it because I am *au fait* with certain information on colonization in connection with the scheme to which my name has been very wrongly given, namely, the so-called Gidney Anglo-Indian colonization scheme under which some twelve Ex-Service Anglo-Indians were sent to the Andamans through the generosity of the Ex-Services Association as an unemployment relief measure and not for colonization for they received very little if any help from the Ex-Services Association when they went there for such a purpose. Sir, the remarks that have been made by the Mover on his Resolution invite me to divide it into two parts; one part asks that the Andamans as a penal settlement be abandoned. Why this request ? We have the Home Member's assurance that this is being done and we have the 1921 Committee's Resolution on this point. Honourable Members must realize that Government cannot, without having made previous arrangements for their housing, transport 11,000 convicts to India and put them into the Indian jails because there is no accommodation for them. Every jail in India is to-day overcrowded; but it cannot be denied that the Government of India are making every serious effort to accomplish this. I therefore do not think that there is any reason whatsoever why this part of the Resolution was moved or considered seriously by this House even though my Honourable friend, Mr. Rangachariar, thinks otherwise. But the hell "Andamans", to which Mr. Rangachariar has referred, is a Heaven as Mr. Rangachariar would himself realize and admit if he were a free convict in the Andamans and then spent a few days' confinement with rigorous imprisonment in one of the Central Jails in India. In the Andamans these prisoners have freedom: they have their spot of land, they have their cattle, some of them have their families. Compare their lot with that of a prisoner undergoing rigorous imprisonment in confinement in a central jail. It is not comparable. I consider that the lot of prisoners in the Andamans is a much healthier and, a much better one than those in India, and certainly not a hell. To my mind, Sir, the Government of India have certainly mismanaged the Andamans. It is rather a tall statement to make, but they have. There is not one industrial enterprise they have undertaken in the Andamans that has ever succeeded. They stand there to-day as the white elephants of the Administration of the Andamans. None of their factories I believe are working or have ever been worked at any profit except the forests; in fact I believe the Andamans financially are a dead loss to the Government. Although the forests are reckoned as gold mines, when I consider the second part of this Resolution, i.e., throwing it open for colonisation, my surprise goes further. The Govern-

[Lieut.-Colonel H. A. J. Gidney.]

ment of India have administered these islands for so many years, and the marvel to me is that they should have allowed the major part of these islands to remain to-day nothing but a mass of thick unhealthy jungles and not cleared at least a big part of it and so made it one of the healthiest spots. I know from the experience of those Anglo-Indians who were sent to the islands and returned to India that two-thirds of those lads came back steeped in malaria, and had to undergo prolonged treatment for it. It has been stated by the Home Member that the malarial problem is not a serious one in the Islands. It might be so to-day in places, but I remember when this matter was enquired into by me two years ago the official advice I got was that the Andamans was very malarious except for a few spots like Ross Island, Port Blair, etc. And this brings one to the question as to whether the Andamans is a suitable place as a penal settlement. To my mind it is not, at least not the major part of it. It is not quite exactly what you would call a death trap, but it is certainly very unhealthy and malarious. But even so I should infinitely prefer to undergo a term of imprisonment in the Andamans than in a central jail in India. I consider, Sir, the Resolution that has been moved is not a real one in that it is not supported by the Moplah prisoners themselves; it is not a real desire. The desire is an artificial one, the desire of the Mover, and not the Moplahs. I believe that the Moplah's life is spent in clearing jungles for his cultivation, and that life in the Andamans is an ideal one to him. I consider that this Resolution is more imaginary than genuine in origin. The Mover of the Resolution seems to object to this transportation of Moplah prisoners—well, I believe that there is a big village there recently opened by Sir A. Knapp called Knapptown. Might I advise him to request the Local Government as a mark of his protest to change the name of that village to Kidnapp town. Sir, I do believe the Moplah prisoners in the Andamans are really very happy indeed.

Mr. K. Ahmed : How do you know ?

Lieutenant-Colonel H. A. J. Gidney : I have heard that, Sir. Sir, I do think that the Government have responded and responded as much as they possible can to close the Andamans as a penal settlement and we must accept the Home Member's assurance on this point. In my opinion this Resolution is absolutely unnecessary. Moreover, the Government have thrown the Islands open to free colonization; and I believe that with free colonization in the Andamans, and if this House is prepared to sanction money on the improvement of the Andamans, as suggested by Mr. Rangachariar, the Andamans would be a perfect spot. The resources of the Islands are very large. The revenue from its timber, I believe, constitutes as it were the gold mine of the Forest Department. There are other sources of revenue awaiting proper development. I therefore ask the Mover of this Resolution, after what the Honourable the Home Member has said, kindly to withdraw his Resolution.

The Honourable Sir Charles Innes (Member for Commerce and Railways) : Sir, I just wish to make a very short speech on one particular aspect of this Resolution. I wish to deal with the Resolution solely in so far as it affects the Moplah. The Honourable Sir Alexander Muddiman has already assured my Honourable friend, Mr. Rangachariar, that the Government have no intention of going back on their considered decision about the future of the Andamans, but I want to put before the House the practical aspect of this question as it affects the Moplah. What are the facts ?

After the unfortunate rebellion of 1922 the Madras Government were confronted with very large numbers of Moplah prisoners. They were compelled for want of jail accommodation to obtain permission to send some of them to the Andamans. When they got them there, this experiment was devised. Moplahs who could get their wives to come to them from Malabar were settled not in jails but in villages, and there they carried on in the Andamans very much the same life as they carried on in Malabar. Now, Sir, if as I think the Leader of the House has some claim to speak about the Andamans, I have some claim to speak about the Moplah. The Honourable the Mover of this Resolution is of course a Muhammadan from Madras, but, unfortunately for himself, he comes from the east coast and not from the west, and he is not a Moplah. Mr. Schamnad of course is a Moplah, but we of Malabar do not regard him as a true Moplah. To begin with, he comes from the coast, and the Moplahs we are concerned with to-day are the Moplahs of what are known as the fanatic zone, that of the Ernad and Walluvanad taluks. More than that he does not even come from Malabar; he comes from the adjacent district of South Canara. I spent 11 years of my life in the Malabar district. Many of those years were spent in these Moplah taluks, and I have been concerned with the Moplah problem ever since 1901. I have had to deal myself with a Moplah outbreak and I have had to write a long report upon the causes of that outbreak, and I think, Sir, that I can claim to speak with a certain amount of authority about the Moplah. Mr. Schamnad has made a great point about the climate of the Andamans. He says it is feverish. Sir, if Mr. Schamnad had ever been in the Ernad and Walluvanad taluks of the Malabar district he would have known what a feverish climate they have. Those two taluks abut on the Western Ghats. In parts they advance right up to the recesses of the Ghats and come right up against steamy jungles which are at the foot of the hills. The climate there is more feverish I imagine than that of the Andamans, and Mr. Schamnad need not be alarmed that the Moplahs of Ernad and Walluvanad who have gone across to the Andamans would fear the climate. Then, again, Sir, the Honourable the Leader of the House specially mentioned that the Moplah has earned a name for himself in Malabar as the pioneer of cultivation. In those two taluks, as you go closer and closer to the Ghats, as you get into those steamy jungles, it is always the Moplah who is pushing out the limit of cultivation. It is a thing in which, as I have said, the Moplah has a very special reputation, and, Sir, I have no doubt that these Moplahs will make magnificent colonists in the Andamans. They will have there the sort of life they are accustomed to in Malabar, a life of cultivation with their wives and family with them. Now, Sir, what is the choice before these Moplahs? That is the practical question that I want to put before the House. Sir Alexander Muddiman has said quite definitely that though he is not prepared at the moment to commit the Government, he is inclined to take the view that those men who want to go back shall be allowed to do so. But I would ask the House what are they to go back to. They have got to go back to an Indian jail. If there is one thing, one characteristic that is special to the Moplah, it is his love of freedom and his love of open air life, and yet Mr. Rangachariar, on grounds of theory and Mr. Schamnad for what reasons I cannot imagine, would condemn these unfortunate people to be taken away from these villages in the Andamans where they are living in the open air, carrying on their cultivation just as they were doing in Malabar, living in a climate very similar to that of Malabar and would compel them to live in an Indian jail. That is the only point that I wish to put to this House.

[Sir Charles Innes.]

As I have said, I have known these Moplahs for 25 years. I have the greatest affection for them and I believe from the bottom of my heart that this House will be doing a very real disservice to these unfortunate people if they decide that this experiment should be ended and that they should be sent back to jail in India.

Khan Bahadur W. M. Hussanally: Sir, I am in a little embarrassment in regard to voting in connection with this Resolution, because, as we have now learnt, the Resolution consists of two parts, and we are more concerned with the first part than with the second; and for that purpose I would ask the Mover of the Resolution or yourself, Sir, to split up the Resolution into two parts to enable us to vote differently if we like to do so on the two parts independently; and, as I understood, the amendment of my Honourable friend Sir Hari Singh Gour relates to the second part more than the first. The first part is with regard to the doing away of the penal settlement, and with regard to that part after the definite undertaking given to us some years ago, in the year 1921, the first year of the first Assembly when I was also a Member of this House and after the assurance given to us to-day by the Honourable the Home Member, I do not think there can be any question about it, and I believe that all the Members on the Government Benches will also vote for that part of the Resolution. (*An Honourable Member* : "How do you know?") If I have understood the attitude of the Honourable the Home Member correctly, I think so. But just now a remark fell from the Honourable the Home Member, "if and when possible." I do not know, Sir, what that means. A definite policy has been enunciated years ago by the Government and it was repeated again this morning by the Honourable the Home Member that that policy will be pursued and the Andamans will be given up as a penal settlement. The only question then that remains is when are they going to do so. If I have understood the Honourable the Home Member correctly this morning, he thought that Local Governments could not find funds for these 5 or 6 years to extend their jails or make any provision for these returned prisoners from the Andamans. But if that be so, and if no Local Government in the whole of India could find funds for this purpose, what prevented, may I ask, the Government of India from investing a little money on this laudable object? They could have advanced some funds or made a grant to the Local Governments for this purpose if they had chosen to do so, or if they thought it proper, they could have made another penal settlement somewhere in India on their own behalf for accommodating these returned prisoners from the Andamans. I ask again what prevents the Government of India from undertaking that duty, if they considered it a duty, after the definite undertaking given to us by the then Home Member. Five or six years, as the Honourable Diwan Bahadur said, have passed and not a little finger has been moved in that direction; and may I ask the Honourable the Home Member now how many years he will take upon this question, how many years more will the Local Governments take upon this question of accommodating these returned prisoners. Again, Sir, if it was settled that the Andamans should not be used as a penal settlement any more, and efforts should be made to expatriate all the prisoners from there in the course of time, why were these unfortunate Moplahs sent once more there to increase the number? The number was reduced at one time and the reduction ought to have been continued from time to time. But instead of that, we find that these unfortunate Moplahs were

sent to the Andamans in very large numbers to swell the number, against the will of the whole country. Not only that, but my information is that the womenfolk of these men were sent to the Andamans, at least some of them, under compulsion, under police pressure, and I ask if that is a fact.

The Honourable Sir Alexander Muddiman : No, Sir. It is not a fact.

Khan Bahadur W. M. Hussanally : Well, that is my information; police inspectors went round and threatened and compelled these women to go and they consented to go. As regards the healthiness of the place, I do not really understand what my friend Colonel Gidney said a little while ago. He said it was a very unhealthy place and yet he thought that some portions of it were very healthy and very nice; and yet we heard from him just now that some of his people who went to the Andamans returned with malaria and had to undergo very serious treatment. If the Andamans is a good place for colonisation, may I ask why Anglo-Indians who went there to colonise returned? Why are they not going to the Andamans in larger numbers to colonise the place? I think we shall all be happy if they do go there, develop the country and make it productive.

Lieutenant-Colonel H. A. J. Gidney : I said that there were certain parts which are unhealthy and there are certain other parts which are healthy. If the Honourable Member will supply me with adequate funds, I am quite prepared to go there.

Khan Bahadur W. M. Hussanally : That is a different question with regard to voting money for the development of the country. That question, as I said, ought to be separately voted upon and separately inquired into by the Government before it is brought up before us to vote upon. We cannot vote blindly in that direction. A regular inquiry ought to be made and a regular vote ought to be put before us. The matter should pass through the Finance Committee and then if we find that it would be a paying proposition I dare say many of my friends here will vote for the money. But at present that question does not arise and therefore I said that the Resolution ought to be split up into two parts. The question about the colonizing of the country is quite an independent one which ought to be separately considered. At present we are more or less concerned with the penal character of the settlement and so far as that is concerned I think all of us are agreed that that settlement ought to be given up. The only question is how long it will take to give it up as I said a minute ago.

An Honourable Member : As early as possible !

Khan Bahadur W. M. Hussanally : The phrase "as early as possible" is so indefinite that it may cover an age. Will the Honourable the Home Member give us an assurance that within the next five years he will give up that settlement?

The Honourable Sir Alexander Muddiman : Surely not.

Khan Bahadur W. M. Hussanally : That means that it will take a generation.

The Honourable Sir Alexander Muddiman : May I ask my Honourable friend a question in reply? How long does it take to build a central jail?

Khan Bahadur W. M. Hussanally : It need not take more than a couple of years if you can find money for it. But why do you want a

[Khan Bahadur W. M. Hussanally.]

central jail ? I do not think the number of prisoners now in the Andamans is very large. The prisoners will be distributed all over the country and there are so many central jails all over India.

Lieutenant-Colonel H. A. J. Gidney : They are all crowded.

Khan Bahadur W. M. Hussanally : I do not know about that. A little extra accommodation may be made at a small cost. But none of the Local Governments have so far moved their little finger in providing this accommodation for these prisoners and therefore I say that, if the Local Governments cannot find the money and cannot find accommodation for these men, why should not the Government of India take up the matter themselves and provide a penal settlement somewhere in India in a healthy locality or start a colony near the Suttlej Canal or elsewhere. The surroundings there will be far better than what they have been in the Andamans with all the inconveniences with which we have been faced for the last 5 or 6 years.

Maulvi Sayad Murtuza Sahib Bahadur : Sir, I have no objection in accepting the suggestion made by my Honourable friend Khan Bahadur W. M. Hussanally that the Resolution be split up into two parts.

Mr. N. M. Joshi : I move that the question be now put.

The Honourable Sir Alexander Muddiman : Sir, in winding up this debate I should like to make two or three remarks. There seems to be some suspicion because I think that the Andamans have considerable development possibilities, that I am in favour of maintaining the system condemned by the Jails Committee. Nothing can be farther from the truth. We have already, as I tried to explain to the House in some detail, made very considerable advance on the system which attracted the very unfavourable notice of the Jails Committee. We have at the present moment some 7,000 convicts in the Andamans. The local jails, especially in certain provinces, are already overcrowded. It is also perfectly clear that, if you put men with long sentences into central jails, you are inflicting a very great hardship on them. We shall have to consider very seriously, as was pointed out quite rightly by my friend Sir Hari Singh Gour, as to what alternative we can have to the present system of rigorous imprisonment. That is a matter which is engaging the attention of the Government of India. You cannot keep a man for 20 years in rigorous imprisonment in an Indian jail as an equivalent to a transportation sentence. I do not desire to re-open the question of the abandonment of the island as a penal settlement. I think it to be sound from the administrative point of view but even sounder from that affection which my friend the Diwan Bahadur charges me with entertaining towards these islands. I do not want my beautiful islands to be polluted by convicts any more than he does. There is no question of change in the policy of the Government of India. We have done a good deal. We have done as much both to modify the system and to return convicts as could reasonably have been expected of us. If the Government of India are prepared to accept as their policy the building of a large number of central jails in various parts of India, they might undoubtedly accelerate the change of system in the Andamans. What my Honourable friend the Finance Member would have to say on that point is another matter.

The Honourable Sir Basil Blackett : No.

The Honourable Sir Alexander Muddiman : My Honourable Colleague says "No" already. It is said that Local Governments take no interest in this matter. In so far as their jail accommodation allows—and I must be just to Local Governments—they have been perfectly willing to take the prisoners. They have taken a large number of prisoners in Bihar and Orissa and in the Central Provinces. My Honourable friend, Colonel Crawford, asked me what are the rules of remission in regard to the Andamans? Now, that is an old grievance and it has been remedied recently. It was hard upon convicts in the Andamans that they did not earn remission in the same way as the convicts in other jails. We passed new rules quite recently allowing remissions which amount to one-third of the period between 1925 and the date of release. That applies to all convicts except to professional poisoners. The case of professional poisoners is under consideration. (Laughter.)

Now, my Honourable friend said he would not allow convicts to volunteer to go to the Andamans. Of course, if he meant that I propose to maintain a system of volunteer convicts for ever and ever in the Andamans—I entirely agree with him. There must, however, be a transition period. If convicts are to be recruited to the Andamans, surely he would agree with me that it is better to take volunteer convicts of a good class who are prepared to settle down there. I do not think that with all our concessions we shall get a large number of persons, but we must try. I want to make it perfectly clear to the House that I am not suggesting the establishment of a system of volunteer convicts as a permanent system. I am merely suggesting it as a temporary expedient to maintain convicts during the necessary period of transition.

Now, it is suggested that this Resolution should be divided into two halves. I do not quite follow the point of the division. As regards the penal settlement, I have said that it is the policy of the Government to move towards its abolition. I contend that that assurance will satisfy the House.

Khan Bahadur W. M. Hussanally : It does not unless you lay down the time that it will take.

The Honourable Sir Alexander Muddiman : My Honourable friend presses me to lay down the time. That is quite impossible to do unless he is prepared to pay for the construction of the necessary jails.

Mr. K. Ahmed : What about the last disturbances when thousands and tens of thousands of people were sent to jail during the days of non-co-operation? How were they kept in jail, Sir?

The Honourable Sir Alexander Muddiman : My Honourable friend points out that if there are fresh outbreaks of crime progress may be impeded. We cannot make a definite promise as to time. I am not prepared to make a promise to this House which I have reason to believe it may be impossible to carry out. I do say, and I do desire the House to believe, that as soon as it can be managed, we will get rid of this settlement.

Diwan Bahadur T. Rangachariar : Progressive steps should be taken.

The Honourable Sir Alexander Muddiman : Yes, so far as progressive steps are possible. I can assure the House, however, that every reasonable step will be taken. I know that Honourable Members wish to get rid of the penal settlement, but we must be reasonable in our methods.

[Sir Alexander Muddiman.]

The second part of the Resolution deals with the question of colonisation.

Maulvi Sayad Murtuza Sahib Bahadur : How are the Government going to ascertain which of the prisoners is willing to come back and which of them is willing to remain ?

The Honourable Sir Alexander Muddiman : Not through the Honourable Member. Government will ascertain by the ordinary methods, by a fair and impartial enquiry. It may be within the recollection of this House that a question was asked not long ago as to why certain gentlemen did not return. I then informed the House that they were given a chance of returning but did not care to do so. Some of these Moplah prisoners will be in that position. However, I would like the House to be perfectly convinced that we will do our best to ascertain the real wishes of these persons on the issue which is open, namely, of remaining in the Andamans or going back to Indian jails. We will put the reverse question to those prisoners who are now in jails in different parts of India in connection with the same outbreak.

Maulvi Sayad Murtuza Sahib Bahadur : Who will put the question ?

The Honourable Sir Alexander Muddiman : The officials entrusted with that duty.

I suggest that on the three points raised I have made a sufficient answer to the House. I have shown that we are endeavouring and will endeavour to carry out the policy as regards the closing up of the penal settlement. I have shown that we are doing something in regard to the second part, in the way of throwing open the Andamans. That is a slow process. I thank the House for the great attention with which they have heard me, and after hearing what I have said, ask it not to press this Resolution, otherwise I shall oppose it and take it to a division. I cannot here and now accommodate 7,000 prisoners in India, I cannot throw open at once the Andamans to colonization, and I cannot here and now remove all restrictions.

Mr. President : The original Resolution was :

“ That this Assembly recommends to the Governor General in Council that he be pleased to abandon the Andamans as a penal settlement by sending back all the Moplah and other prisoners, and also to throw it open for free colonization, removing all restrictions on communications, settlements, etc., and also giving all the necessary facilities to the settlers.”

Since which the following amendment has been moved, namely :

“ That for the words ‘ sending back all the Moplah and other prisoners, and also to throw ’ the word ‘ throwing ’ be substituted.”

The question is that that amendment be made.

The motion was negatived.

Mr. President : The question is :

“ That the following Resolution be adopted :

“ This Assembly recommends to the Governor General in Council that he be pleased to abandon the Andamans as a penal settlement by sending back all the Moplah and other prisoners, and also to throw it open for free colonization, removing all restrictions on communications, settlements, etc., and also giving all the necessary facilities to the settlers.”

Maulvi Sayad Murtuza Sahib Bahadur : The suggestion was that the Resolution should be put in two parts.

Mr. President : I do not propose to follow the course suggested by the Honourable Member.

The Assembly divided :

AYES—20.

Ahmed, Mr. K.
Aiyangar, Mr. K. Rama.
Badi-uz-Zaman, Maulvi.
Chanda, Mr. Kamini Kumar.
Das, Mr. B.
Datta, Dr. S. K.
Ghazanfar Ali Khan, Raja.
Gour, Sir Hari Singh.
Hussanally, Khan Bahadur W. M.
Hyder, Dr. L. K.
Ismail Khan, Mr.

Joshi, Mr. N. M.
Lohokare, Dr. K. G.
Mahmood Schahmad Sahib Bahadur, Mr.
Murtuza Sahib Bahadur, Maulvi Sayad.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Purshotamdas Thakurdas, Sir.
Rajan Bakhsh Shah, Khan Bahadur
Makhдум Syed.
Venkatapatiraju, Mr. B.

NOES—43.

Aiyer, Sir P. S. Sivaswamy.
Akram Hussain, Prince A. M. M.
Allison, Mr. F. W.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Clow, Mr. A. G.
Contman, Mr. J.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Donovan, Mr. J. T.
Dyer, Mr. J. F.
Gidney, Lieut.-Colonel H. A. J.
Graham, Mr. L.
Haig, Mr. H. G.
Hexlett, Mr. J.
Hira Singh Brar, Sardar Bahadur
Captain.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Jones, Mr. T. G.
Lindsay, Sir Darcy.

Macphail, The Rev. Dr. E. M.
Mitra, The Honourable Sir Bhupendra
Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Norton, Mr. E. L.
Owens, Lieut.-Col. F. C.
Paddison, Sir George.
Parsons, Mr. A. A. L.
Rahman, Khan Bahadur A.
Raj Narain, Rai Bahadur.
Rau, Mr. B. R.
Reddi, Mr. K. Venkataramana.
Roffey, Mr. E. S.
Roy, Mr. K. C.
Roy, Sir Ganen.
Sastri, Diwan Bahadur C. V. V.
Sheepshanks, Mr. J.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Townsend, Mr. C. A. H.
Willson, Sir Walter.

The motion was negatived.

RESOLUTION *RE* REGULATION OF THE PERFORMANCE OF RELIGIOUS FESTIVALS, ETC.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, the Resolution which stands 4 P.M. in my name runs as follows :

“ This Assembly recommends to the Governor General in Council that legislation be immediately taken in hand in order to regulate the performance of religious festivals, rites and ceremonies of different communities in India.”

Sir, in proposing this Resolution it is not my desire to import communal feelings or heat into this House. I do not wish to enumerate the wrongs done by one community or the other, nor do I desire to apportion the share of blame for which one community or the other is responsible. It is certainly very unfortunate that in these days, when the atmosphere is saturated with communal feelings, an old Nationalist and experienced

Maulvi Muhammad Yakub.

public man like our friend Mr. Bipin Chandra Pal, who, I am sorry to see is absent to-day, should have indulged himself in writing the history of the present tension between the two communities and throw the whole blame upon the Mussalmans by connecting it with what he alleges to be a pan-Islamic movement. I will not try here to give an answer to the accusations which he has levelled against the Mussalmans. I would content myself simply by telling him, if he were present here, that he has not in any way advanced the cause of peace and good-will by writing in the way in which he has done. I have, Sir, undertaken to move this Resolution because I think that the present situation of communal tension has assumed such alarming dimensions that it is time that we should immediately face and solve the situation. The number of persons killed and injured in communal riots during the last three years, given by the Honourable the Home Member, is really appalling. He says in his statement that riots occurred in 71 places and were responsible for about 3,000 injured and 260 deaths. Now this in itself is a very large number, but I am afraid that correct figures are not available to the Government. It very often happens that many injured persons run away in order to avoid coming within the clutches of the law, and also there are certain cases in which dead bodies are disposed of before they come to the knowledge of the officials. Sir, I do not agree with those who think that the Government have a hand in fomenting communal riots and communal feelings. I also do not think that the Government of India have ever shown partiality towards any community in dealing with communal matters, and, Sir, I take this opportunity publicly to enter my strong protest against the pronouncement recently made by Lord Olivier in this connection in the House of Lords. It is very surprising that an *ex-Secretary* of State for India should be so ignorant of the methods of administration in this country. I am sure His Lordship did not appreciate the result of his announcement. On the one hand he has been very unfair to the Government of India, and on the other he has done great injustice to the Mussalmans in this country who are already labouring under very disadvantageous conditions. Now, Sir, coming to the point under discussion, I submit that certainly it would have been much better if the leaders of both communities could have been able to settle all the points of difference without the help of the Government. But in the light of past experience, I am sorry to admit our inability to settle our differences amongst ourselves. The leaders of the country twice tried to adjust these points of difference and solve the problem, but they hopelessly failed. The first move in this direction was taken, if I remember aright, in September 1924, when a united conference was held at Delhi which was attended by Hindus, Mussalmans, Parsis, Sikhs and Christians, and after a long and laborious discussion certain resolutions were adopted in which principles were laid down to regulate the religious festivals of both the communities. The gist of these resolutions is given in Mr. Rushbrook Williams's book "India in 1924-25". These Resolutions proclaimed it to be improper for any person who considered his religious feeling affronted to take the law into his own hands. All differences should be referred to arbitration and failing that to the courts. The universal tolerance of religious beliefs and freedom of expression and practice with due regard to the feelings of others must be maintained. Upon the crucial question of cowkilling a resolution was passed by non-official

Hindus on the impossibility of stopping the practice by force alone. Muhammadans were advised to exercise their rites with as little offence to Hindus as possible, while the Mussalman leaders of the Conference personally pledged themselves to do everything in their power to reduce the number of cows annually slaughtered. Other resolutions discouraged the practice of disturbing rival communities by music, calling to prayer and the like without regard to conflicting susceptibilities. The Conference also established an all-India panchayat of 15 persons including Christians and Sikhs as well as Hindus and Muhammadans whose task it was to open local panchayats for the purpose of conciliation between the two communities." Although these resolutions, which are really very good, were passed at this Conference, no practical result was achieved because there was no force, no power behind these Resolutions to enforce them. There was no sanction behind them. If the principles laid down in these Resolutions had been put on the Statute-book in the shape of laws, I am sure the state of communal feeling in India would not have been what it is to-day.

Mr. K. Ahmed : What about Lala Lajpat Rai ?

Maulvi Muhammad Yakub : If there is Lala Lajpat Rai, there is also Mr. Kaye. We are not here to take into consideration the objectionable persons of both communities. We have to deal with reasonable people who want to live and let others live. The other move in this direction was an All-parties Conference which was convened at Delhi in February 1925 and ended in a fiasco. The failure of these two conferences has convinced me that nothing can be done in this connection without the help of the Government and it is for this reason that I venture to propose this Resolution before the House.

The codified law which relates to these matters is contained, so far as I know, in section 153 of the Indian Penal Code, sections 107 and 144 of the Criminal Procedure Code and section 30 of the Police Act, but all the provisions contained in these sections simply make provision for the keeping of the peace, they do not contain any provision to regulate acts which cause the breach of the peace or which cause these disturbances.

Mr. Mahmood Schammad Sahib Bahadur : How can you do that ? It is not possible.

Maulvi Muhammad Yakub : It is not possible for men who have got no brains but it is quite possible for people who have some mental capacity. Well, Sir, there are also different rulings of High Courts and some rulings of the Privy Council on this subject, including the recent ruling in Syed Manzur Hussain *versus* Syed Muhammad Zaman published in Calcutta Vol. 29. On going through these rulings I find they also fail to lay down any definite dictum on the points at issue. They have also left the final authority unrestricted in the hands of the District Magistrate or the police officer. The summary of the last ruling which has been so often quoted in the papers during these days is as follows: Their Lordships of the Privy Council lay down that :

"Persons of whatever sect in India are entitled to conduct religious processions with their proper observances along a highway subject to the orders of local authorities regulating the traffic, to the Magistrate's directions and to the rights of the public. Persons of a different sect cannot as of right claim that the functions of the procession shall cease as it passes places of worship belonging to the former, but it would be open to the Magistrate, in the special circumstances of the case, to order that observances should cease within a certain distance of such place of worship."

[Maulvi Muhammad Yakub.]

You will find by reading all these judgments that no final dictum has been laid down.

Mr. Mahmood Schammad Sahib Bahadur : Because the Judges have no brains !

Maulvi Muhammad Yakub : It may be so. It is therefore essential that some broad principles should be laid down by the Government of India in the form of legislation and Provincial Governments should be left free to make rules according to the conditions prevailing in the different provinces. In fact, different Resolutions and different orders passed by different Provincial Governments have only operated to make the position still more difficult. It may be argued why do I ask the Government to take legislation in hand, and why I myself did not attempt to introduce a Bill into the House laying down the lines on which I want the Government to legislate. But, Sir, we all know the fate of non-official Bills in this House. It is now about two years that I gave notice to introduce two small Bills, but up to this time when we are on the eve of the Assembly being dissolved I have not been able even to introduce them. Under these circumstances it is hopeless to carry any non-official measure in this House unless the present rules are amended, and it is for this reason that I ask the Government to legislate.

Khan Bahadur W. M. Hussanally : Will you please enunciate the lines upon which you want legislation ?

Maulvi Muhammad Yakub : I am just coming to that. I want the Government to legislate. Sir, there can be no two opinions that communal bitterness is hardly a matter of local concern. It has now assumed an all-India importance. It is one of the most important problems to which the Government of India must devote themselves. What I submit is that we have found that non-official action and non-official attempts have failed to settle the dissension between the two communities ; some action should therefore be taken on the part of Government. I am quite willing, Sir, to accept the amendment proposed by my Honourable friend Diwan Bahadur Rangachariar which runs as follows..... (*An Honourable Member :* "Are you prepared beforehand ?") I am prepared beforehand because I am not proposing this Resolution simply to propose a Resolution.

Sir, we are fed up with these communal frictions, and the situation has become so very difficult that we cannot enjoy our home life happily, nor do our festivals bring any joy to us. On the other hand, on the occasion of almost every festival, more misery and sorrow is caused in every home, and therefore, Sir, I think it is high time that we bestirred ourselves instead of sitting with folded hands in our houses or making complaints to the authorities against each other or breaking the heads of our own countrymen. Is not the time ripe, I ask, Sir, when we should ask the Government to come forward and help us, since we could not solve the question ourselves, and failed in our attempt to solve this ticklish question ? Therefore, I am quite prepared to accept the amendment.

Nawab Sir Sahibzada Abdul Qayyum (North West Frontier Province : Nominated Non-Official) : I thought you said in the beginning that Government were doing all that was possible in the matter,

Maulvi Muhammed Yakub : I never suggested a single word about it. I never said that the Government were doing all that was possible for them to do. What I said was that our leaders have done all that was possible for them to do, I did not say that the Government had yet done all that was possible for them to do. I do not think that a Government which has defeated the powerful armies of the German and Russian Empires in Europe would be incapable of solving these small questions arising out of communal tensions in this country which they have been governing for about a century now. Sir, in accepting the amendment of my Honourable friend Diwan Bahadur Rangachariar.....

Mr. President : The Honourable Member cannot speak on the amendment which is not before the House yet.

Maulvi Muhammad Yakub : I only indicate that I am quite prepared to accept that amendment if it is moved.....

Mr. President : The Honourable Member has already done so.

Maulvi Muhammad Yakub : I think, Sir, as a preliminary to legislation, the Government should take the necessary steps to undertake legislation in this matter. We all know that legislation cannot be taken in hand immediately ; it requires a certain amount of preparation. I think, therefore, Sir, that the best course for the Government of India to adopt, before undertaking any legislation, would be to call the leaders of different communities to a round table conference, so that they may, in consultation with the Government of India, make recommendations, and on the lines of those recommendations, I think it would be possible for the Government to formulate legislation laying down certain fundamental and broad principles for the guidance of the public as well as the officers of Government on such occasions. As regards the summoning of this conference, Sir, I think that His Excellency the Viceroy was himself inclined to take that step if he were sure of its success. In his remarkable speech at the Chelmsford Club, His Excellency the Viceroy said.....

Mr. President : Order, order. The Honourable Member's Resolution has nothing to do with any conference. He is not entitled to refer to the amendment which has not yet been moved except merely to state that he is prepared to accept it when moved.

Maulvi Muhammad Yakub : I will not discuss the amendment at present, Sir, but I will again repeat what I said in the beginning, that it is high time that the Government of India adopted certain measures and took steps which might be conducive to stop all this communal feeling and bitterness in this country. I do not want to make a long speech, but I may tell the House that it is my sincere desire that we should solve this most difficult question in the country to-day. With these words, Sir, I commend my Resolution to the House. It is for all the Honourable Members of this House to contribute their quota and to join hands with us and tell us what would be the best way to get out of this difficulty with which the country is faced.

Khan Bahadur W. M. Hussanally : May I know if you do not want legislation ?

Maulvi Muhammad Yakub : I do want legislation, as I have already said.

Mr. President : Order, order.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadian Urban) : Sir, I beg to move the amendment which stands in my name, and which runs as follows :—

“ That for the original Resolution, the following be substituted :

“ This Assembly recommends to the Governor General in Council that he may be pleased to convene an All-India Conference of selected leaders of public opinion and experienced officials to examine the present communal situation in the country and make recommendations to regulate the performance of religious festivals, rites and ceremonies of different communities in India ”.

Sir, Honourable Members will notice that, according to the rules of debate of this Assembly, I had to restrict my amendment, especially the latter portion of it, to the scope of the original Resolution. If I were bringing forward a separate Resolution, it would have embraced much more matter than it is possible to do in this amendment. At the same time, I have taken care to put forth the first part of the Resolution that the whole question should be examined, although the recommendations may be restricted to a certain matter. I do not stand here to speak upon the subject with any pride. It is with a feeling of disgust and shame that I rise to speak on this motion, because it has been found necessary to table a Resolution of this character and discuss it on the floor of this House. But, Sir, I am not a believer in the hush-hush policy pursued by certain people. Facts are facts, and they have to be faced by us like men. We are all anxious for the day when we shall attain Swaraj, and we shall be still more anxious, Sir, when we do attain it, as to how best we are going to retain it. The subject underlying this Resolution concerns that aspect of it most intimately. Perhaps, it is easy to get Swaraj, but it is not so easy to retain it. That conviction has forced itself on me as a student of the politics of our country, and as a close student of the events during the last six years of my career in this Assembly. Fortunately, for me, Sir, I come from a province where, although there do exist differences of a sort, we have not the differences which disgrace the various upper parts of India. If Honourable Members will look at the list of horrible events which were enumerated by the Honourable the Home Member in answer to an interpellation on the opening day of this Assembly, they will be gratified to find that Madras is prominently absent from them. It is not that we have not got a Muhammadan population there. We have a Muhammadan population with whom we are on the best of terms, although now and then, few and far between, there have been differences—I will not call them serious differences. But this is not the place for us to enter upon the causes, the irritating and provoking causes which have produced this unfortunate tension of feeling between the two great communities which inhabit this land ; for we will be defeating the very purpose we have in view if in public we discuss those matters. I have some views which I have come to in connection with the various causes which underlie the differences between the communities. I am not going to mention them. It will not be useful to mention them, and I implore my Honourable friends who are going to follow me in this debate not to refer to what the causes may be, where the fault lies and where the fault does not lie. I admire the sincere spirit in which my Honourable friend Maulvi Muhammad Yakub has come forward. He feels the soreness of this disgraceful position which we are face to face with, and I feel it likewise. I am glad, and the whole country is glad,

that His Excellency Lord Irwin has taken it up in right earnest. Sir, we have not been wanting in words of advice, from men great and small, in connection with this matter. From all quarters we have received admonition and advice, and in various other directions there have been attempts, I will call them earnest and honest attempts, made by the communities themselves to put an end to these differences. But for want of the driving force which the Government alone can give to a movement of this sort those attempts have failed. It must be confessed that they have failed. Great men have taken part; the greatest man perhaps amongst Indians almost gave up his life in order to urge this cause upon the earnest attention of his countrymen. Notwithstanding that stimulating inducement offered by him, the efforts made at that conference, a well known conference which I happened to attend for a day, failed. And, Sir, I believe we cannot achieve the results which we have at heart without the co-operation of all people, official and non-official alike. It is only with that co-operation that we can achieve or attempt any serious good results. Sir, my conception of the motion which I have tabled is that there should be a conference of selected officials and non-officials. I do not believe in a majority of non-officials in a matter of this sort. I want a majority of the people whose hearts are really bent upon changing the situation, whether they be officials or non-officials. We want persons with experience. Officials, both European and Indian, will be able to assist us most materially in a matter of this sort. And my idea is that this conference should be entirely a private conference not open to the Press. It should be a conference which should be opened by His Excellency the Viceroy in a speech which I am sure he alone can make, and he would then leave the conference to discuss these questions earnestly and in a sincere spirit. Having done that they would examine all the various causes of the present communal situation in the country. They would not be merely confined—I merely allude to this—to the religious disputes in connection with rights at festivals and ceremonies. I am afraid latterly they have taken a turn in a different direction, which perhaps it is not necessary to detail in this open meeting. But there are other causes which are at work and have been at work, and they may be traced to various events which have recently occurred. But these are matters which require an earnest examination, and I do hope the result of this conference will bring about a settlement of these questions. Sir, these two great communities, Hindu and Muhammadan, have lived in amity for centuries together in this land, both under Hindu rulers and under Muhammadan rulers. Under the Emperors of Delhi the Hindu and Muhammadan population lived together in amity and brotherly feeling, and they have so lived together under Hindu rulers of an older age. The Muhammadan community are not new to this land; the Hindu community are not new to this land. We have multiplied notwithstanding the slaughters. Millions have multiplied into multi-millions. Therefore, let us not lose hope. Let us have faith that this is not going to be a permanent feature in our land. There have been provoking causes and those irritating causes must be removed. It requires the earnest efforts of the leaders of all communities, whether they be what I may call strong Hindus and strong Muhammadans or not. We want the co-operation not only of moderate Hindus and moderate Mussalmans, but of staunch Hindus and staunch Muhammadans. I would not exclude them. I see an attempt has recently been made to form a national union. I have not much faith in the results which are

[Diwan Bahadur T. Rangachariar.]

likely to come out of that national union, for I believe they are making a fundamental mistake in excluding the staunch protagonists on either side. We want to bring them together at a conference where they may be impressed with the seriousness of the question, and I am sure we will be able to come to conclusions which will be satisfactory to both parties. I have myself taken part in one of these disputes between the Hindus and Muhammadans in Madras City itself. I was called upon by the Collector of Madras to be one of the arbitrators. The present Muhammadan Member of Council was the other arbitrator. Sir, they were about to break their heads over a question of processions and we called them together and we found no difficulty in coming to an amicable settlement. It depends on the way in which we approach the question. Of course if we approach the question saying that the other side is in the wrong and we are, always in the right, then we will never come to a conclusion. We have to admit that both are to blame, probably some more to blame than the others. But the larger interests of the country require that these disputes should not be allowed to continue. I say it is not only the interests of Indians, but the interests of the Government and of the people require that they should be done away with. I appeal to Government to take a serious view of the situation. I am sure they are taking a serious view of the situation. They have told us here several times, and only the other day the Home Member told us what the attitude of Government is in regard to these matters. His Excellency the Viceroy has recognized the seriousness of the situation. But is it enough merely to recognize the seriousness of the situation and to say merely that we will discharge our duty by keeping the peace when peace is threatened? Should that be the only recognition of the seriousness of the situation? May I appeal to the Honourable the Home Member and the other Members of Government present here, is it not also their duty to take some serious action in order to see how to put an end to these things? Would you merely put an end to these disputes by punishing the rioters and sending them to jail? That is no doubt successful temporarily. But they are merely temporary cures. It is up to the Government to do their level best to seek a permanent cure. It may be, Sir, that this conference cannot come to a conclusion.

I do not want to say that we will be able to find a solution. It may be that this conference may not be successful and may break up. But it is worth the attempt of all of us to help and to co-operate whether inside or outside the Assembly. It is a matter on which we cannot hereafter sit quiet and merely issue edicts or advice from the hill-tops and merely say that the two communities should behave well. We have had enough of that. We want serious action, earnest action, and I appeal to all that we should put our hearts into this matter. I cannot think of any other way in which we can solve this problem. It requires consideration, it requires serious consideration at the hands of the leaders, at the hands of Government. Now, how best are we going to achieve that object unless we put our heads together and take action with regard to the future developments in this matter? So I earnestly commend this amendment for the acceptance of the Government and for the acceptance of this House.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 25th August, 1926.

LEGISLATIVE ASSEMBLY.

Wednesday, 25th August, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

BILLS PASSED BY THE COUNCIL OF STATE LAID ON THE TABLE.

Secretary of the Assembly : Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table the following Bills which were passed by the Council of State at its meeting of the 24th August, 1926.

They are :

1. A Bill further to amend the Indian Evidence Act, 1872, for a certain purpose.
2. A Bill further to amend the Administrator General's Act, 1913.
3. A Bill further to amend the Indian Companies Act, 1913, for a certain purpose.
4. A Bill to supplement the Sind Courts Act, 1926.
5. A Bill further to amend the Cantonments Act, 1924, for certain purposes.
6. A Bill further to amend the Indian Limitation Act, 1908, for certain purposes.

THE CODE OF CIVIL PROCEDURE (SECOND AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move " that the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, be taken into consideration ".

This, as I explained when I was introducing the Bill, deals with the question of security for costs on second appeals. It lays down that where a second appeal is preferred against concurrent decision, the Court shall, save in circumstances which are specified in the proviso, require security.

I regard this Bill as of considerable importance, but I am unable to say that it is a Bill of immediate urgency. It is desirable no doubt that it should be dealt with as soon as possible. It is based on a recommendation of the Civil Justice Committee. It has been round for opinion— or rather it would be more correct to say that the principle of the Bill has been round for opinion. The actual Bill with the safeguards as now proposed by me has not been considered by the authorities we usually consult on these matters.

[Sir Alexander Muddiman.]

I see no one is apparently objecting to the principle of the Bill, though, apparently, there is a desire that further consultation should take place before it is enacted. Well, Sir, I am not prepared, if there is on the part of the House generally a desire that this Bill should be circulated, to oppose that measure. I should like to hear what the Honourable Member, in whose name the amendment stands, has to say in support of his proposal ; but as at present advised I do not propose to oppose it. That being the case I do not desire to take up the time of the House longer on a matter which, perhaps, might be left for future consideration, and I simply move my motion.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, I beg to move :

“ That the Bill be circulated for the purpose of eliciting opinions thereon.”

My reasons for my motion are as follows. Honourable Members will find that this Bill is the outcome of a recommendation of the Civil Justice Committee contained in Chapter 26, pages 361 and 362 of their Report. The Honourable authors of this Report were not quite sure of the ground on which they recommended the curtailment of the right of second appeal. I will read to you what they say at page 361 :

“ The right of second appeal as at present exists gives to a rich litigant a chance of firing out the poor litigant, even although there be little in his appeal. No procedure that can be devised will affect the rich and poor equally in the end.”

So while having enunciated a difficulty as to how to equalize justice between the rich and the poor, they confess that any procedure laid down will not equalize justice, which is their aim to do.

Now turning to page 362 of their Report, I find the following passage occurring there. After stating the case, *pro and con* they frankly admit that there is the risk of injustice being done to the poor litigant who is unable to furnish security and who may have a very good case, as I shall presently point out, not covered by the Bill which is before this House. They go on to say :

“ We think that a very reasonable rule would be as follows, to require the appellant to deposit the amount of any costs awarded against him in the lower courts, *plus* the amount at which the respondent, if successful, could tax his pleader's fee under the High Court rules.”

Now the narrow rule that they advocated was this, that the schedule cost of the successful litigant before the first court, *plus* the schedule cost which would be awarded to him if the appeal is successful, should be alone the subject of security by the appellant.

Now, if you turn to the Bill you find that it goes very much further. I am reading from the Bill itself, clause 2. Honourable Members will find that the Bill provides that :

“ Where the decree from which a second appeal is preferred affirms the decision of the Court by which the original decree was passed, the High Court shall, unless it dismisses the appeal under the procedure prescribed in rule 11 of Order XLI,”—
it means summary dismissal—

“ require the appellant to deposit, in cash or Government securities, security to such amount as the Court thinks fit for the costs of the appeal and shall not call upon the respondent to appear and answer the appeal until such security has been furnished.”

Now, Sir, I beg to submit that this does not carry out the recommendation of the Civil Justice Committee, and even if it were the case, I should

still object to the enactment of this piece of legislation on various grounds which I shall now give to the House. Honourable Members.....

The Honourable Sir Alexander Muddiman : If my Honourable friend argues the case against the Bill I will withdraw my offer.

Sir Hari Singh Gour : I am not arguing the case against the Bill, so that the Honourable Home Member need not be unnecessarily anxious.

Mr. President : The Honourable Member knows that the Honourable the Home Member has made an offer that he would not oppose the motion for circulation of the Bill, if there is a general desire in the House in that behalf. Under the circumstances I do not think it is proper for the Honourable Member to go into the details of the Bill at this stage.

Sir Hari Singh Gour : I simply wanted to give the country a lead, so that they may be able to see what are the good points and what are the objectionable points of this Bill, and I submit that it is the desire of this House that this House should express its views and go to the country and say, "These are the views *pro and con*. What do you say?" I submit, if we do so, we shall be fortified by the opinions received from the country on the merits and demerits of the Bill. It is with that object in view that I am setting out all the points in favour of it and a great deal more that is against it. I do not wish at this stage to prejudice the issue, but I only wish to say that, so far as we on this side of the House are concerned, we wish to set out what to us seem objectionable features in the Bill, and it is on that that we want the public to give their opinion—Are they in favour of the enactment of this Bill? If they are, then I submit the wind will have been taken out of our sails and we shall say that all the objections that we took to this Bill have been considered by the public, and the Bill has received the blessing of the public after consideration of those objections, and we have nothing more to say.....

Mr. President : Order, order, the Honourable Member is technically in order, but I must remind him that he runs the risk of the offer being withdrawn.

Sir Hari Singh Gour : I do not think, Sir, the Honourable the Home Member will be so unchivalrous as to withdraw the offer. The objections I am raising I am raising in the interests of justice. I am not doing it in the interests of any class at all, and if the Honourable Member still thinks that I should not set out the objections which I have to the Bill, then I certainly will accept his offer and stand muzzled here; but if, on the other hand, the Honourable Member is himself anxious to hear what can be said against the Bill, then Sir I shall proceed.

Mr. President : The Honourable the Home Member has already said that he is not very anxious to hear the Honourable Member. (Laughter). Does the Honourable Member wish to continue?

Sir Hari Singh Gour : I would not continue if the Honourable Member withdraws his offer, but if the Honourable Member's offer holds good, I should like to continue. I shall not be long and shall state the objections very shortly.

The Honourable Sir Alexander Muddiman : Sir, I would only like to say that nothing is further from my thought than to muzzle my Honourable friend from Nagpur, but I do think it is a little wasteful of the time of the House to discuss at length a Bill which must come up after circulation and must then go to Select Committee where ample opportunity will be given to the Honourable Member to state his views. I thought he would take the line that circulation was desirable because special consultation had not taken place, that is the only justification I can consider for accepting his motion.

Sir Hari Singh Gour : Sir, I am glad of the Honourable Member's assurance that he does not exactly muzzle me, (laughter) but he wants me to be brief, and I shall carry out that condition by being as brief as possible. There are four things, Sir, in this Bill. The first is that if the two subordinate courts decide concurrently upon questions of fact and law, then the unsuccessful litigant can not file an appeal, subject to the proviso to which I shall refer presently, unless he deposits such costs as the court considers fit. Now this Bill, Sir, contains materially the right of second appeal. Under section 100 a second appeal would lie, not only if the decision of the court below is contrary to law or some usage having the force of law, but also, as provided in clauses (b) and (c) of section 100, which have been entirely ignored in the Bill under reference, namely, that a second appeal lies where the decision has failed to determine some material issue of law or usage having the force of law, or omission to decide that question, or where there is a substantial error or defect in the procedure. Clause (c) of this Bill deals only with clause (a) in the proviso, but entirely overlooks clauses (b) and (c), and what is the attitude of the Government so far as clauses (b) and (c) of section 100 are concerned? That is my first point.

My second point is that in a very large number of cases, as the Honourable the Home Member must be aware, property of over Rs. 10,000 may be indirectly involved : cases of easements, light and air and water and so forth. Now the Honourable Member is aware that all such cases are directly appealable to the Privy Council because they indirectly involve questions relating to property over Rs. 10,000 in value. Now look at the incongruity that this Bill introduces. The High Court is debarred from hearing those appeals if they come under section 100, clauses (b) and (c), but there is a right of appeal to the Privy Council. In other words, though you wish to minimise costs, the chances are that, in some cases to which I have adverted, the costs will be multiplied. Then, Sir, what about the poor man? The appellant may be a poor man who may have suffered injustice; he may have no money to pay for security. I beg to ask what provision has been made in the case of a poor appellant? The Civil Justice Committee referred to that question, but they did not offer any practical solution of it.

My last point is, Sir, I agree with the opinion of the Calcutta Bar that the subordinate judiciary in this country has not yet come up to that degree of judicial perfection as to take away from the High Court the salutary check which exists of revising the judgments of the lower court when they have gone wrong on questions of law. Need I remind the Honourable the Home Member what percentage of cases that go up from the High Courts of India to the Privy Council are upset by that august tribunal on the ground that the High Courts have gone wrong on questions

of law. And may I further remind the Honourable the Home Member how often Their Lordships of the Privy Council have themselves gone wrong ? And is it not a fact that this Legislature has often to intervene to declare and settle the law which has been unwittingly unsettled by Their Lordships of the Privy Council ? Now Sir, law is a very complex problem ; it is a very difficult, it is a life-long, study. Many of us who have devoted all our lives to the service of the law still feel diffident on some of the most elementary principles and upon the most simple questions that are referred to us for solution. I ask the Honourable the Home Member, does he not think that the check which the High Court exercises, and exercises rightly, over the decisions of the lower courts should be continued ? Now Sir these are my objections against the Bill, and now I shall proceed to show that the Bill is not wholly devoid of merit. (Laughter.)

The Rev. Dr. E. M. Macphail (Madras : European) : May I rise to a point of order ? I did not want to interrupt Sir Hari Singh Gour, but I should like a definite ruling whether he is in order, on a motion of this kind, to discuss the Bill itself, to discuss the advantages and disadvantages of the Bill. For example, the other day on the motion that my friend the Honourable Mr. Rangachariar moved, would it have been lawful for us and in order to discuss the merits of the Currency Bill ?

Mr. President : I do not think Sir Hari Singh Gour is out of order. He is perfectly entitled to state what the main objections to the Bill are in order that, when opinions are called for, those objections might be considered by those who are consulted.

Sir Hari Singh Gour : Thank you, Sir. I said, Sir, I do not say that this Bill is wholly devoid of merit. (Laughter.) By one stroke of the pen the bulk of litigation in India would be set at rest. I have not the slightest doubt that the Government and the Civil Justice Committee wanted to curtail litigation, but overlooked the fact that it was curtailment of litigation at the sacrifice of justice ; and I submit that if we place on one side of the scale the advantages which will accrue from the confidence the public have in the High Courts of India as the ultimate court of appeal and on the other the oppression by the rich man and the danger of litigiousness on the part of persons so disposed,—I ask the Honourable the Home Member on which side the scale is heavier. We are all anxious to see that there is no undue delay in the disposal of cases but the difficulty is that there is no human institution yet given that would satisfactorily solve that great problem which we have in view. I have no doubt that with the improvement of the subordinate judiciary and the increase of confidence on the part of the litigating public in the judgments of the lower courts, litigation would be reduced and minimised, but that time is not yet. Upon these grounds I feel confident that, when this Bill goes to the country, the Bar, the Bench and the public will look to both sides of the question and give us or our successors a lead as to whether they are in favour of the Bill or against it. Sir, I move.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadian Urban) : Sir, knowing as I do the temper of the House to get through this Bill as quickly as possible I shall be very brief in the comments I am about to make on this Bill. I consider this Bill to be both un-

[Diwan Bahadur T. Rangachariar.]

necessary and unjust. It is unnecessary because there is already provision in the Code which enables the High Court to call for security for costs in suitable cases, and this is sufficient to secure to a successful litigant the payment of costs which he has incurred in either prosecuting or defending a case. If the respondent has not secured fulfilment of the decree of costs awarded to him in a lower court then he is entitled to apply to the High Court, and on application being made the High Court has power to call for security for costs.

Mr. President : Order, order. The Honourable Member is opposing the motion for consideration, while the debate is now confined to the motion for circulation.

Diwan Bahadur T. Rangachariar : I am supporting the motion for circulation, Sir, with these observations—with your permission, I mean. As I said, it is absolutely futile to enact this provision now which we are asked to enact. Second appeals lie only on particular points, on particular grounds. They can only be preferred if the decree of the lower court is contrary to law or there has been some error of procedure which materially affects the decision of the case. Second appeals are not ordinarily accepted as a matter of course. Generally a Judge of the High Court takes it up as soon as an appeal is filed and he examines it and sees if there is a *prima facie* case for admission. That is the practice in my Court. Second appeals as soon as they are filed are circulated to the various Judges of the Court and each of them takes up a number of cases and they examine each case in order to see whether there is a *prima facie* case for admission or not. If he thinks there is no case, then a bench of two Judges hears the case. The appellant argues the case before it and, if the bench is satisfied that there is a *prima facie* case for admission, then only is the appeal admitted and notice goes to the respondent. If the High Court considers there are grounds for a second appeal, compulsorily to call upon the respondent to deposit security for costs seems to me unjust to the poor man. Justice after all should not be denied to poor people. It is the poor people who will suffer by this compulsory provision being imposed on High Courts to call upon them to give security for costs in second appeals. Take the case of the Government. If the Government have to file such an appeal they will be called upon to give security for costs although they satisfy the bench that it is a case which requires examination by the High Court. I mean it seems to me absurd on the face of it when the High Court Judges are satisfied that a *prima facie* case for admission of the appeal exists for them to demand security, whatever may be the nature of the case and whoever the party may be. That is an absurd piece of legislation which we cannot sanction.

Mr. President : Order, order. The Honourable Member is making out a case for the rejection of the Bill and not for circulation.

Diwan Bahadur T. Rangachariar : It is quite true, Sir, that if it were left to myself I should oppose it and reject it at once, but in view of my Honourable friend's desire that it should be circulated I think these are matters which have to be considered both by the Government and the public in offering their opinion in the final stages of the Bill. I do support the motion for circulation simply because Local Governments and High Courts may have a further opportunity of considering whether

really it is going to be an effective measure for preventing litigation. After all the Civil Justice Committee were appointed upon that idea. By all means prevent frivolous litigation but not just litigation. The parties, whether rich or poor, are entitled to justice. Let there be no delay in cases where you have to award justice. But this measure is in the nature of a punishment. That is the principle underlying the Bill. Should you impose this punishment when the other provisions of the Code already require the Court to be careful in admitting these appeals ? That is the point I wish to emphasise, and it appears to me that this Bill is unnecessary and uncalled for.

Colonel J. D. Crawford (Bengal : European) : Sir, I rise to speak on this motion. I have no objection to the Bill being circulated for opinion, but we too would like to give the country a lead in the matter as my Honourable friends Sir Hari Singh Gour and Diwan Bahadur Rangachariar have just been trying to do. Take a very simple case which occurs pretty often in so far as my own community is concerned. We are taken to court by a servant on a proposed non-payment of his wages. Many of these cases are very often fictitious. I have had several before me recently in which it does not pay the officer or employer to go on and defend the case in court simply because he has to pay costs which are far more than paying the servant a month's wages. And when you come to business there are a number of business firms which are constantly being run into court by persons who are totally unable to pay the costs of the case if they fail. This is very frequently the case and a firm has to let them go by rather than defend such cases. There does appear to me then to be a case in which some action is necessary to protect defendants against fictitious cases raised by appellants.

Mr. K. Ahmed : There is no second appeal there, Sir.

The Honourable Sir Alexander Muddiman : Sir, I trust the House will believe I am not naturally pugnacious, but if anything could convince me of the necessity of going on with this Bill, it is the speech of my Honourable friend Sir Hari Singh Gour. I must say a word or two on this Bill now since things have been said which left uncontradicted might possibly lead the country wrong. I had no wish to start a debate but before I sit down I must say a word dealing with one or two points that have been raised.

In the first place as regards what Colonel Crawford said, I might point out that this Bill only deals with security for costs in the case of a second appeal. It does not deal with original suits at all, and I am afraid his community will not be helped much if that is their sole grievance.

But the real point is this. Of course absolute correctness of judicial decision is, I gather, almost hopeless unless one particular Member of this Assembly is the final court of appeal. There must be, humanly speaking, difficulties in regard to decisions, and that is why appellate courts exist. But there is also the fact that it is in the interests of the State that there should be an end to quarrels and that you can not prolong appeals beyond a certain measure, and it is the business of the Legislature and the Government and the people at large to decide when that comes. Whether this Bill, as has been said, unduly restricts appeals

[Sir Alexander Muddiman.]

is a matter that I do not propose to argue. It is undoubtedly what the Bill does restrict ; but when does it restrict it ? It restricts appeals after there have been two concurrent decisions of subordinate courts. Now, my Honourable friend has said that this Bill will be a very good Bill when subordinate courts do not make mistakes. Well, Sir, that will not be in my time and I think it will be a very long time before that is so. But I should like to take this opportunity of saying that in the comparatively short space of my service of twenty-six years the subordinate courts have improved very greatly in their disposal of civil court work, and I desire to take this opportunity of paying a tribute to their very successful labours in this connection. That the Privy Council occasionally upsets subordinate courts' decisions and possibly even the decisions of High Courts (*An Honourable Member* : " Question ? ") is undoubtedly true. But I do not think that is an argument against the Bill, and I am surprised that Sir Hari Singh Gour, whose practice must be largely concerned in appeals from subordinate courts, suggests that they have not improved. Sir, I gather that the general feeling of the House is that they would prefer circulation. I myself in spite of the arguments of Sir Hari Singh Gour am in favour of that proposal too, and I therefore accept the amendment.

Mr. President : The original question was :

" That the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, be taken into consideration."

Since which an amendment has been moved :

" That the Bill be circulated for the purpose of eliciting opinions thereon."

The question I have to put is that that amendment be made.

The motion was adopted.

THE PROVINCIAL INSOLVENCY (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move that the Bill further to amend the Provincial Insolvency Act, 1920, for certain purposes, be taken into consideration.

I do not think, in making this motion, I need detain the House any time at all. I explained the Bill when I brought it in. The only criticism I have received is in the form of an amendment which can be conveniently discussed when we come to the clause to which it relates. Therefore, without further delay, I move my motion.

The motion was adopted.

Mr. President : The question is :

" That clause 2 do stand part of the Bill."

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move the following amendment which stands in my name :

" That for clause 2 of the Bill the following be substituted, namely :

' 2. In sub-section (3) of section 33 of the Provincial Insolvency Act, 1920 (hereinafter referred to as the said Act) after the word ' insolvent ' where it occurs for the last time the words ' the receiver ' shall be inserted.' "

I shall very briefly explain to the House what this amendment means. Under section 33 of the Provincial Insolvency Act a creditor has to prove his debt in order to bring his name on to the schedule of creditors, and it is provided in clause (3) that where an application is made to bring a creditor's name on the schedule of creditors the court, after causing notice to be served on the insolvent and the other creditors who have proved their debts and hearing their objections, if any, shall comply with or reject the application. In other words, that where there is a claim that a certain creditor's debt should be recognised by the insolvency court the only two persons who are entitled to be heard and to whom notices are issued are the insolvent and the other creditors. Now, it is perfectly clear that after an application for insolvency the estate is placed in the hands of the receiver, and therefore, it may be that the creditor and the debtor may collude and the other creditors may not have exact knowledge of the circumstances which the receiver possesses, because he is in possession of the estate. I say, therefore, that he should receive notice. In other words, while the Government motion is that the insolvent should be ignored altogether and the only person to whom notice should be issued is the receiver, my amendment provides that the notices should issue both to the insolvent, that is the debtor, and the receiver. If the debtor and the receiver—the trustee and the *cestui que* trust—are both agreed that a particular debt is right, in that case the debt would be regarded as proved. If, on the other hand, the debtor and the creditor have colluded to cheat the other creditors, which the other creditors know not, then the receiver immediately interposes and says “I challenge this debt and I do not admit it because I know from the books in my possession, that this debt does not find a place in the insolvent's account books.” And other reasons might be given for the purpose of challenging the admission made by the insolvent regarding the creditor's claim. I, therefore, submit that my amendment is a reasonable one. It gives all the parties interested in the admitting or contesting of a debt an opportunity of coming before the court, and, therefore, I move that the word “receiver” be added after the word “insolvent” in section 33 (3).

The Honourable Sir Alexander Muddiman : Sir, the amendment moved by my Honourable friend has obtained a certain amount of support among the persons consulted, but it is an amendment which is not in accordance with English law. It is a fact that the courts have laid down that a bankrupt cannot come in and interfere in proof of a debt. I am not sure whether the Civil Justice Committee have quoted it, but a case in point is *ex parte* Sheffield *in re* Austin, Chancery Division 10, page 434. There it was pointed out by Jessel, M. R. that the trustee is not a trustee for the bankrupt who has no right in the possibility of a surplus in his estate—nothing more than a mere hope or expectation. The rules under the Second Schedule of the Bankruptcy Act, 1914, do not make any provision for an application by the insolvent himself : they only allow a creditor to move the court to vary the order in regard to admission of proof of a debt. On those considerations and on general considerations, therefore, I think it will be well that we should follow the English Law and exclude the insolvent. The insolvent really, once he is in that position, has no interest ; he may have a possible hope, but certainly no legal interest in the estate. On the whole, therefore, I am against the amendment proposed by my Honourable friend.

Mr. President : The question is :

“ That for clause 2 of the Bill the following be substituted, namely :—

‘ 2. In sub-section (3) of section 33 of the Provincial Insolvency Act, 1920 (hereinafter referred to as the said Act) after the word ‘ insolvent ’ where it occurs for the last time the words ‘ the receiver ’ shall be inserted. ’ ”

The motion was negatived.

Clauses 2, 3, 4, 5, 6 and 7 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman (Home Member) : I move, Sir, that the Bill be passed.

The motion was adopted.

THE INDIAN SUCCESSION (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move that the Bill to amend the Indian Succession Act, 1925, for a certain purpose, be taken into consideration. That certain purpose is to provide, as I told the House in asking leave to introduce, that in every case where a Hindu makes a will, he must reduce it to writing and sign it in accordance with the ordinary law as to the making of wills. As regards those parts of India which are at present governed by the Hindu Wills Act, that is already the law. I have always thought myself that as the right to make a will was conferred on Hindus as the result of the decision of the English Courts, at any rate this ordinary precaution ought to be required. Although the matter has been brought up by the Civil Justice Committee, it has been known to every one in this country for a long time, as a defect in our law. I always found in discussing the question with Hindus who are eminent lawyers that they themselves have always wondered why nothing has been done to require a Hindu desiring to make a will to reduce it to writing. It may be said, and it was possibly the reason that has delayed legislation, though I do not think there is much force in that now, that India is very largely an illiterate country. That is true, no doubt. But that has not prevented the Transfer of Property Act requiring certain transfers to be made by a written agreement. If it is desirable that a certain isolated contract should be reduced to writing, is it not all the more desirable that a document which transfers the whole *corpus juris* of a man's rights should be required in writing ? I really do not think it is necessary for me to say much more in support of the proposition which, I think, would commend itself to every Member of this House.

Sir, I move that the Bill to amend the Indian Succession Act, 1925, for a certain purpose, be taken into consideration.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban) : Sir, I beg to support this motion. I am quite aware of the great departure we are making now in our law as regards testamentary instruments. What I wish to emphasise to-day is that the provisions of this Bill should be published broadcast to show to the public that it has become law. As the Honourable the Home Member has told us, people in this

country are mostly illiterate. Although such cases of oral wills that have come to the Court have been few and far between,—in my own experience of nearly 36 years I have not seen many cases of oral wills in our Court,—I think it is a practice which we ought to encourage in this country, namely, that people should reduce their wills to writing, and they should also know that hereafter they cannot make oral wills and that they can only make them in a prescribed manner.

My Honourable friend tried to be logical in his argument and pointed out the provisions of law which require certain transfers of property to be made by registered instruments. But if that logic is to be pursued, I fail to see why he has been partial, if it is partiality at all, to Muhammadans in this matter. I think there is a clear ground for accusation that Government are partial to Muhammadans in this respect. My Mussulman friends will take note of that, for I do not think there is any justification at all why oral wills should be encouraged among Muhammadans. I think every will ought to be reduced to writing, and I throw this out for the consideration of the Government and of the Assembly, that if it is good for the Hindu only to make written wills, it is also good for Muhammadans to make written wills. Sir, I support this motion.

***Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, I had no desire to take part in this discussion, but I think that my Honourable friend Diwan Bahadur Rangachariar has got Muhammadans on the brain. That a lawyer of his eminence and experience should come forward and say that the Government are showing partiality to Muhammadans in enacting this Bill surpasses my comprehension. Whether this provision is acceptable to my Hindu friends or whether it is not acceptable to them is another matter. I shall be the last person to force any kind of legislation upon the Hindu community against their wishes. But he knows perfectly well that there is nothing in his religion which prevents the Hindu community from accepting this legislation if it is desirable. In the case of Muhammadans, he knows perfectly well that it would be overriding the highest authority which binds the Mussulman law, and that is the Koran. You will therefore raise not a question merely of adjusting certain mundane rights, but you will raise a question of a far graver character if you try to impose that provision upon Muhammadans. I am surprised, therefore, that my Honourable friend should say that the Government are imposing this law upon the Hindu community and that they are leaving out the Muhammadans altogether. Sir, I hope that in the light of what I have said, my friend will probably now revise his views.

Mr. E. S. Roffey (Assam: European): Sir, I wish to support this Bill. My Honourable friend Diwan Bahadur Rangachariar opposed it on the ground of illiteracy of the country.....

Diwan Bahadur T. Rangachariar: I did not oppose the Bill. I supported it.

Mr. E. S. Roffey: I beg your pardon. All I have to point out is this. The Hindu Wills Act is in force in Assam, and I do not think any one in this House will say that the Province of Assam is any more literate than any other province where the objection has been taken on the ground of illiteracy. In my opinion, this measure will prevent litigation and a mass of perjury. For that reason alone, I support this Bill.

*Speech not corrected by the Honourable Member.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely : Non-Muhammadian Rural) : Sir, I beg to oppose this motion. I am really not able to follow my Honourable friend Diwan Bahadur Rangachariar in the knowledge and experience which he has gained when he says that only very few cases relating to oral wills come before the High Courts. Has he taken note of so many oral wills which without contest are being declared and accepted by all the people concerned ? The question is not whether litigation comes up. That does not arise at all. I think the law exists for the people and not the people for the law. If actually, the country is using this power of making oral wills, is it proper, in view of the litigation that might arise, that it should be now shut out ? That is the only question that arises. Then, the Civil Justice Committee seems to have thought more of all possible ways of reducing litigation than that it has properly applied itself for the present purpose. I know, Sir, that in some villages it becomes almost habitual for certain people to start writing out wills and the litigation that comes up before the High Court generally comes up in respect of large estates where false wills are executed. But in the majority of cases in which big properties are, in the presence of mere relations or respectable men, disposed of by a dying person it is accepted by all people and is going on, and if only this law is now enacted, the effect of it will be practically to introduce into each village a person who will be busying himself about getting it written in one way or the other, and a hundred cases of undue influence, mistake, &c., will be set up and it will only add to the litigation than otherwise. I have analysed the opinions that have been collected on this Bill and I think my Honourable friend, Sir Alexander Muddiman will agree with me that most of them are not in favour of this Bill. (*The Honourable Sir Alexander Muddiman* : "No.") At least the last two pages relate to all the opinions in which they have refused to agree to this (*Diwan Bahadur T. Rangachariar* : "Madras seems to be in favour of it.") In many other places there are dissentient judges, that is judges who have given a dissentient opinion that it is not proper to take it up at this stage. I submit, Sir, that the proper way of dealing with this question is to see if oral wills are in considerable use just now or not, and if they are not given effect to without litigation; in most cases of litigation relating to partition or succession or other similar questions, you will find that both sides in the pleadings admit the truth of such oral wills. I really do not know if it will be for the Legislature to go and interfere with such a common practice. Law is meant to be provided where existing circumstances need its aid. Law is not meant to create a position where the rights and practice would be interfered with. If you make this law, the effect of it will be that no will can be proved unless it is in writing and that means that at the last stages of a man's life you create a lot of trouble and a crop of litigation in the country, not that you are really reducing the litigation. I submit, Sir, I am perfectly convinced that it is a wrong step we are taking and it would be well to leave it as it is because in metropolitan towns there is considerable education and probably there is also a lawyer attached to every big household, and in other cases also education is sufficiently advanced and there is not much trouble. There may be certain villages which have people who have started this business only for litigation and nothing more, but there are hundreds and hundreds of villages and families where these last testamentary statements, oral or written, will not be denied but this Bill would cause lot of annoyance and trouble. I submit, Sir the country will be considerably spoiled by enacting this legislation.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, when I heard the Honourable the Home Member moving the further consideration of this Bill, I said to myself whether the Honourable Member is not a late convert to a view I unsuccessfully pressed upon this House five years ago. I then introduced a short measure for the compulsory writing of adoption deeds and the then distinguished occupant of that seat used the Government vote to defeat my measure; and the argument then advanced was the argument so ably voiced by my friend Mr. Rama Aiyangar. The then Home Member said : "Your measure is far in advance of the times. It contravenes and tramples upon Hindu law." And my friend Diwan Bahadur Rangachariar was the leader of the opposition of the non-official side on that day. I am glad now, Sir, to count him also amongst the converts. (*Diwan Bahadur T. Rangachariar* : "Not on that point.")

Now, Sir, I do feel that a measure something on the lines proposed by the Honourable Home Member is necessary. But I wish to take exception to one or two statements which the Honourable the Home Member has incautiously made in connection with his motion. He said in the opening of his speech that the Hindu law of wills is a deduction from the decisions of the English courts. Now, Sir, that is not so. The Hindu law of wills is a deduction from the law of gifts. Hindu law recognises gifts as a pious act, and as gifts could be made to a person *in presenti* as also to a person *in futuro*, the courts have laid down from time immemorial that the law of gifts and the law of wills are, therefore, indistinguishable. That is the genesis of the law of Wills. And the courts for the last 30 or 40, indeed for the last 70 or 80 years have uniformly laid down that, while oral wills by Hindus are permissible, the most meticulous care is to be taken by the courts in examining witnesses as to the very words which the deceased testator used in making his will. The result has been that in a very large majority of cases these oral wills fail for want of proof, because, while the substance of what the deceased said is given in evidence, witnesses naturally differ as to the exact words used by the deceased in making his will. Therefore, oral wills for all practical purposes have become obsolete in the sense in which I have explained it to this House. Therefore, we are now here trying to have written wills so that the exact words of the deceased testator may be reduced to writing and may be available for proof after death. I do not agree with the reasons given by the Civil Justice Committee that it is as easy to fabricate false evidence in respect of an oral will as it would be to fabricate false evidence in respect of a written will. I submit, Sir, that while it is easy to fabricate false evidence

12 Noon.

in respect of oral wills it is by no means easy first of all to forge the will and then to fabricate evidence in support of it. Therefore, I submit that we have a distinct advantage in reducing all wills to writing. But I am here confronted with a small difficulty and I should like to have an assurance from the Honourable the Home Member on that point. The Honourable the Home Member must be aware of the recommendation on this point contained in the Civil Justice Committee's Report, page 470, paragraph 8, where they say that it is necessary that wills should be reduced to writing. But at the same time are you going to levy a probate duty upon these wills? If you do so, then Hindu wills would become far too costly to prove, and the opinions that have been collected, of which I have been privileged to read a compilation, all unanimously ask the Government either to remit the probate duty

[Sir Hari Singh Gour.]

or to levy a very nominal fee, if at all, on these wills. My support of this measure, therefore, is qualified by whether you are going to levy a probate duty upon these wills, because if you do so the Hindu community will be placed in a position of great invidiousness. While I do not agree with all that has been said by the Honourable Diwan Bahadur Rangachariar, I do not also agree with what Mr. Jinnah has said that his law of wills is contained in the Koran. Now, Sir, the origin of the Hindu law of wills is exactly identical with the Muhammadan law of wills. Muhammadans are entitled to dispose of one-third of their estate by a testamentary disposition.

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): Do you know the Koran?

Sir Hari Singh Gour: I have read it many more times than my friend the Khan Bahadur will give me credit for. Now that is my first point. But I am not here to ask a community to come in within the salutary provisions of this Act if their representatives are not prepared for it. I am only giving the historical genesis of the law of wills which I submit is identical with that of the Hindu law. The Hindu law of gifts was practically abrogated by the enactment of section 123 of the Transfer of Property Act, and it follows as a logical sequence that the law of wills must follow suit. So far as that goes, I am in agreement with the Home Member, but, as I have said, the Honourable the Home Member must give a definite undertaking to this House that the Hindu community will not be penalised. The probate duty is 2 or 3 or 4 or 5 per cent., which means a very heavy duty for probate of these wills, and unless we get an assurance I shall, Sir, move that this Bill be not passed and that it be circulated for the purpose of eliciting opinions thereon. But if I get an assurance that the community will not be penalised by the exaction of a probate duty upon these wills, I shall be willing to go into the same lobby as the Honourable the Home Member.

There is one more point upon which I wish to draw the attention of the House. It is perfectly true that so far as Hindu wills are concerned we bring them under the provisions of section 63, but the peculiar nature of Hindu property and the constitution of Hindu society would offer some impediment to the facility of proof and, indeed, to the eventual simplification of justice in cases dealt with by wills, and I do not wish that this House should go away with the impression that in enacting this measure we have committed an act which will completely solve all the difficulties from which Hindu society suffers. Now, as Honourable Members are aware, Hindu society recognizes the joint family as the unit and all property is presumably held in the Mitakshara country and for the matter of that in other parts of India as well as coparcener property. Therefore, so far as coparcener and joint property is concerned the testator has no power to make any will at all. The question will arise, and I ask the Honourable the Home Member to bear that in mind. According to the decisions of some of the High Courts a coparcener is under the case law entitled to dispose of *in presenti* his undivided coparcener estate for a valuable consideration. He is not entitled to make a gift of that property and I presume that, if he is not entitled to make a gift of that property, he is equally debarred from making a will in respect of that property. That, therefore, shuts out all coparcener estates which cannot be the subject of testamentary disposition.

The only property therefore, in respect of which a Hindu may validly make a will is the property in respect of which he has absolute and unqualified disposing power, that is, property known as self-acquired property. I have no doubt that with the advent of British rule and the multiplication of individual callings the individual property is increasing in value and importance, and in that respect this Bill would serve a great purpose. But so far as the bulk of the property held by the joint Mitakshara families is concerned this Bill will be innocuous. It will not touch them at all. Therefore a question may arise: it is this. Suppose a Hindu father sends for his sons and says, "My dear sons I am dying and I want you to partition your property in the following shares after my death." It will be a question whether he has got the power to do that. The father has the absolute power under Hindu law of partitioning amongst his sons *in presenti*, and the question may arise as to whether this amounts to a will and whether such verbal death-bed direction having the effect of a will would require a probate duty. I could multiply instances but I do not wish to take up the time of this House by giving a larger number of instances. They all occur to me as I am speaking on the subject. But for the present I will rest content by asking the Honourable the Home Member for a definite assurance as to whether the Government would not dispense with the probate duty upon these wills, and if they are not in a position to dispense with the probate duty altogether, whether a fixed duty of Rs. 5 or Rs. 10 may not be fixed in respect of the probate of such wills. If that is done this enactment would become popular. If, on the other hand, this is not done then the very difficulty which the Civil Justice Committee wished to surmount would stand in the forefront. People will come forward and say this was not a will at all; it was merely a death-bed direction as distinct from a disposition of property and most complicated questions of law will arise and we shall defeat the very purpose which this Bill has in view. Therefore, I submit, Sir, that for the purpose of popularising this Bill, for the purpose of minimising litigation and for the purpose of placing Hindu society upon the same footing as the other large communities in India, the fiscal question should not be ignored in connection with this Bill. These are the observations which I have to make on the Bill, Sir.

Khan Bahadur W. M. Hussanally : Sir, I had no intention of intervening in this debate, for the simple reason that the Bill now before us does not affect my community; but the few words I have to say are inspired by a remark from my learned friend opposite to me a little while ago. While I have the highest respect for his knowledge of Hindu Law, I refuse to accept any interpretation of our Koranic law from Sir Hari Singh Gour.

So far as this Bill is concerned it cannot affect us, and no law on the subject of wills will affect the Muhammadan community, for the very simple reason that wills under Muhammadan law are very rare indeed, and for one reason only, and that is that every will, whether written or oral made by a Mussulman must receive the assent of his legal heirs after his death, except perhaps up to a third of the property. So that whether it is an oral will or a written will it does not affect the question one way or another; so long as that will is not assented to by his legal heirs it is no will at all. Therefore Mussulman wills are very rare and we require no change of law so far as Mussulmans are concerned.

Sardar V. N. Mutalik (Gujarat and Deccan Sardars and Inamdars : Landholders) : Sir, my Honourable friend, Sir Hari Singh Gour, has just reminded us that it was only five years ago that Government took an altogether different view of the situation in the country from what they are taking to-day on this Bill. I do not see any reason why Government should have changed the view that they took at that time. I think, Sir, that this Bill, however salutary it may be in its general effect, is premature in the present conditions obtaining in the country. I am not a lawyer nor a judge. I am taking only a practical view of the whole matter. We must look to the situation *as it is* in the country. It is all right to lay down any restrictions for those persons who are living in the cities where legal help is available, where persons who can draft wills are available, but we have to look also to those places where not only is legal help not available but where a man who can write out any directions given by a dying man is not obtainable. Unfortunately, in many places we do not have even now the ordinary village accountant. According to the new system prevailing in the Bombay Presidency there are only *talhatts* who are given charge of seven or eight villages. There are no men who can write out a will, or only a few who can do so. Under such circumstances is it desirable to lay down this restriction of having written wills ? Is the dying man to wait for his death until a man who can write out a will is forthcoming ? Why should you deprive a man who is dying of his right of making an unwritten will ? He can call a few honourable men in the village who cannot write but can give evidence in court. Why should you deprive a dying man of his right in circumstances over which he has no control ?

The next difficulty in this connection appears to me to be that when written wills are made, and we insist on the condition that probates have to be obtained on these wills, it is giving a direct effect to the recommendation of the Taxation Committee to have probate duties imposed, and this appears to be the first step in that direction. Unless and until we decide that point, I think it ought to be definitely laid down here that any wills coming to court and for which probate has to be obtained ought to be free of any duty or tax.

With these few words I oppose the motion.

Mr. K. Venkataramana Reddi (Guntur-cum-Nellore : Non-Muhamadan Rural) : Sir, we must look at this Bill from two practical points of view. One is whether it is in the interests of the people whom it affects ; and secondly, whether it really serves the purpose for which it is being enacted. We cannot deny the fact that 90 per cent. of the population in India live in villages and 98 per cent. of them are illiterate and you must see whether this Bill which compels people in villages to reduce their wills to writing, is really conducive to their interests. People in villages are very ignorant and literacy has not spread into them. If we compel a villager who is on his death-bed and who wants to make a will to reduce his will to writing, he may not be able to get a literate man in the village itself, and it may be that he cannot get an educated man within ten miles of the village to write his will. If you pass this Bill into law you may be compelling such a man to die intestate and his property to go to people to whom he would not like it to go. The second point is whether it serves the purpose for which it is intended. Now, Sir, oral wills when taken into court result in

the courts requiring a very high standard of proof, and so oral wills are rapidly going out of use. If you enact this law you will be giving a chance to the reversioners of a man who dies intestate to forge a will. They will have plenty of time to take it to a tout and with his help perhaps they might forge a will and thus you will be putting a premium on forgery and perjury : Now if we analyse these opinions on this Bill you will see that those who are in favour of this Bill are really people who live in cities and as such cannot be expected to know the actual conditions in the villages. There are very many opinions against this Bill. They say that this Bill is not necessary or desirable under present conditions. It is not necessary to quote opinions for this Bill because I do not want to take up the time of the House, and I think that if Honourable Members would care to read these opinions on the Bill, they will find, as I said that people who are not acquainted with the real conditions in the villages are in favour of this Bill. For these reasons, Sir, I am opposed to this Bill.

The Honourable Sir Alexander Muddiman : Sir, I am very grateful to the House for the large measure of support that I have received in connection with this Bill. It is in my judgment a small measure of reform which has been long called for.

As regards my friend Mr. Rangachariar's request, I agree with him entirely that we should do all we can to give publicity to a measure of this nature, and we will address Local Governments on this point.

With regard to the reference to Mussulmans which was made by my friend Mr. Rangachariar, I think he was joking and I do not think he had any intention of offending anyone in this House.

Then Mr. Roffey I think made a good point when he explained that the Hindu Wills Act was already in force in places which are certainly not the most literate part of India.

I am much obliged to Sir Hari Singh Gour for his interesting lecture on the history of wills. I said, and I still affirm, that the Hindu will is a creation of the English courts, in spite of his interesting explanation of the manner in which that has been grafted on to the law of gifts. Sir Whitley Stokes, not altogether a man without authority, observes as follows :

" Although the Sanscrit text-books of Hindu law nowhere recognise the posthumous disposition of property, the legality of the Hindu will has long been established in our courts."

Now, I will not detain the House longer on the point ; I merely say I do not agree with my Honourable friend's correction of my statement.

The only opposition that has been raised to this Bill has come from the fear that the requirement of writing may weigh with the villager to prevent him making a will. Now honestly I cannot believe why, if the villager is required to make transfers of land in writing, and no one has ever protested against that being the law, a will, which disposes of the whole of a man's property, should not be reduced to writing.

Sardar V. N. Mutalik : He disposes of his land when he is not dying.

The Honourable Sir Alexander Muddiman : I did not gather exactly what my Honourable friend said, but I think men generally make their

[Sir Alexander Muddiman.]

wills in good time and not *in articulo mortis*, and if the Sardar is contemplating making a will, I would advise him to start long before he is in that dreadful position.

Sardar V. N. Mutalik : It is not of persons like myself I am thinking ; it is of persons in the villages.

The Honourable Sir Alexander Muddiman : I have heard a great deal about persons in villages, but if they want to make a will, they can make it just as easily as they do the documents for the transfer of their land.

Sir Hari Singh Gour asked me another question. He said " What about probate duty ? " If he had read the Statement of Objects and Reasons, he would have seen that this Bill neither requires probate nor deals with probate duty ; it is merely an improvement in the law. If the question of probate is brought up that will be the time for the House to discuss it.

I do not propose to enter into the interpretation of Muhammadan law which has been a matter of some discussion between various Members of the House. It does not seem to me germane to this question ; nor will I be led into the subject of coparceners which my Honourable friend has so much at heart.

Mr. President : The question is :

" That the Bill to amend the Indian Succession Act, 1925, for a certain purpose, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman : Sir, I move that the Bill be passed.

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (THIRD AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move that the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, be taken into consideration.

Sir, the certain purpose with which this Bill is concerned is the conferment of certain extra powers to deal with inflammatory publications likely to cause communal trouble. The form which the Bill takes is an amendment of section 99A of the Criminal Procedure Code, and that section with your permission, Sir, I will read to the House. It runs as follows :—

" Where—

(a) any newspaper, or book as defined in the Press and Registration of Books Act, 1867, or

(b) any document,

wherever printed, appears to the Local Government to contain any seditious matter, that is to say, any matter the publication of which is punishable under section 124A, of

the Indian Penal Code, the Local Government may, by notification in the local official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to His Majesty, and thereupon any police officer may seize the same, wherever found in British India, and any Magistrate may by warrant authorize any police officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be."

Now this section 99A of the Criminal Procedure Code was inserted by section 5 of Schedule III of the Press Law Amendment Act (XIV of 1922). Put briefly and stripped of legal language, it gives power to declare certain publications of a seditious nature forfeited, and it also gives power to issue search warrants for the same. Now I cannot for the moment find out why, when this section was added to the law, the question of matter punishable under section 153A was not included, but it was not included. Now section 153A is, as the House knows, a section which is devised with the intention of preventing enmity being promoted between classes. I do not know whether it is necessary in a House like this, where almost every one is familiar with the Indian Penal Code, to read the section. Section 153A is the section which can be used where people endeavour to stir up ill-feeling between communities. It is a section which, I am sorry to say, it has been found necessary in the last few months to have a recourse to very frequently. It is a section which, however useful, can only be used where a substantial offence can be established. It is not possible to use it for preventive purposes; it is a punitive section, and it is not sufficient to meet all our needs. It does not enable us to catch hold of matter punishable under the section; it only enables us to punish for a substantive offence.

Now I do not think the House, specially after the speeches yesterday, will need any words of mine to bring home to them the state of communal feeling which is now existing in this country. Sir, I have been away for four months and I come back to what is in some respects a different India. Communal feeling has for several years been undoubtedly rising, but the development that has taken place in these short months has really surprised me. I laid on the table a long statement in reply to a question put by one of my Honourable friends opposite specifying those cases which had been reported to the Government of India. Sir, they were very many. It is quite possible there were more which were *not reported*; but what is quite certain from the papers in my possession is that had not the officers of Government throughout Northern India exercised the utmost precaution there would have been not ten-fold but a hundred-fold more. From Calcutta to Peshawar every civil officer has been straining every nerve to do his best for months to keep the King's peace and prevent any outbreak. I think our thanks—the thanks of this House—are due to all those officers, civil and military, British and Indian, who during this long and very trying hot weather have successfully endeavoured to maintain the peace in so many parts of India where trouble has not occurred. It is not only of places where trouble has occurred that we should think but also of places where trouble might and could have occurred but for judicious action and the utmost care and caution. On this picture of the situation I think we all agree and it will hardly be challenged. Now the measure that I am bringing forward to-day ought, therefore,

[Sir Alexander Muddiman.]

if it is a reasonable measure, to command the sympathy and support of all Members of this House, and I am most anxious that it should do so. I am most anxious that the House should show that it is, as a body, on the side of law and order in endeavouring to prevent these terrible affairs. It may be said that a measure of this kind will not strike at the root of the trouble. Of course it will not. That is impossible. No law can deal with trouble as deep-seated as this. But if it in any way strengthens the hands of Government and the hands of those good thinking citizens—who I believe are the large majority of both communities—in dealing with these difficult matters, I hope I shall command the whole-hearted support of the House.

Then what is the actual measure I am bringing forward? It is a comparatively small thing. It merely enables the same power to declare publications forfeit when they are found on search where they are of a nature contemplated by section 153A as already exists in the case of seditious publications. I do not think—and I will not conceal it from the House—that this measure will be very effective in dealing with newspapers. I do not think it will, for this reason that the harm done by a newspaper is immediate on its issue. It has already gone to all its ordinary subscribers before action can be taken. Where I consider the proposal I am now bringing forward will be more useful is in the case of pamphlets inflammatory of the feelings of one or the other of the great communities. This is no idle fear. They have been issued in the past and they may be issued to-morrow. They have been found in the past, they might be found to-morrow if searches are made. The Bill is one of the results of a consultation with Local Governments which was undertaken by the Government of India quite recently. The Government of India have not been blind nor have they been idle in considering what can be done to deal with these matters, and though this Bill is a comparatively small product of that consideration yet we attach importance to it. I do not know whether at this stage I need trouble the House at great length with them but I have here an extract containing a list of press prosecutions recently undertaken by the Government of Bengal. They are numerous. They were successful, but their results were largely vitiated by the fact that there was no power to check the output of inflammatory matter. My object in this Bill is not merely to punish. It is to lay hold of this firebrand and so prevent the fire catching into the hay stack. In my judgment pamphlets and inflammatory writings are terribly dangerous—aye, in some of the northern parts of India they are more dangerous than the accumulation of explosives. It is no use punishing the law breaker only. It is necessary, where possible, to prevent the consequences of his acts affecting the outside public. The need for the measure is immediate and urgent. If you think the measure is sound and justifiable, I cannot concede that you should delay an hour in enacting it. It cannot be said that the situation is one which brooks delay. I see various suggestions for dilatory motions. I ask the House not to consider them. I ask the House, if they do not agree with me, to come and deal with the measure here and now. There is no time for delay. The Bill is one which, if it saves one serious riot in any part of India, I am perfectly sure every Member of this House will be most willing to support. I do not think at this stage I need say much more on the necessity, the urgency of this measure. I have endeavoured to

show that it is necessary, that it is urgent, and it is particularly desirable that this House should collaborate with Government in showing that they are willing in a matter of this kind to give the fullest support to those who are charged with the difficult duty of preserving order in these troublesome times.

Mr. B. Das (Orissa Division : Non-Muhammadian) : Sir, I do not see the necessity of this Bill at all. The Executive has got too much power. It has got various Acts, Ordinances and Regulations in its hands to do anything it likes. We are seeing editors of papers and writers being prosecuted every day. The public does not see any necessity for further strengthening the power of the Executive. This Bill suggests that there is no provision which enables similar action to be taken against publications calculated to promote feelings of enmity between different classes of His Majesty's subjects. Sir, my interpretation of the situation is that it is the Anglo-Indian Press that fosters most communal bitterness and communal hatred in India. Sir, only the other day, when the Bengal Government saw the wisdom to withdraw their prosecution against my revered friend Pandit Madan Mohan Malaviya, a Lahore paper, the *Civil and Military Gazette*, mentioned that the Bengal Government by withdrawing the prosecution have dishonoured the Muhammadans and have yielded to the demands of the Hindus. That is a white lie. It is in this way that Anglo-Indian papers are helping to foster communal bitterness. The other day I alluded on the floor of this House to the fact that the Government as the third party have not done their proper share to end these communal disturbances.

The Honourable Sir Alexander Muddiman : The Honourable Member is not helping Government to do their share by opposing this Bill.

Mr. B. Das : To-day I go further and say that there is a fourth party and it is the Anglo-Indian Press. To-day the Anglo-Indian Press is trying to separate community from community and to foster communal bitterness. (Here Sir Denys Bray interjected). But, Sir, will you as Member of the Executive assure me that you will prosecute the Anglo-Indian Press with impartiality? Can you give me a single instance when you have prosecuted any Anglo-Indian paper—the *Times of India*, the *Statesman* or the *Pioneer* or any other paper of that sort? The Indian papers are always accused of *lese majeste*; but when it comes to an Anglo-Indian paper saying that the Bengal Government have abdicated their function and have been insulted by the Government of India, neither the Government of India nor any of the Provincial Governments take any steps to prosecute the editors of such papers; and it is the editors of these papers and reporters in the Anglo-Indian Press that foster more communal bitterness. Before I am a party to give my consent to this Bill or to the consideration of this Bill, I want assurances from the Government that they will show impartiality in prosecuting Anglo-Indian papers as they do Indian writers and publicists.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural) : Sir, I rise to support the motion. I entirely welcome this Bill from the bottom of my heart. Sir, yesterday I moved a Resolution asking the Government to undertake legislation in order to remove or to solve the problem of bitterness of relations between the two communities and I think, Sir, that the Bill which is now under discussion before the House is a step in that direction. Sir, it is my firm

[Maulvi Muhammad Yakub.]

conviction that the Press has played a very great part in creating the present situation. (*Cries of "No" .*) By reading the volume of communal papers you will find that it is on account of the publication of objectionable pamphlets and objectionable articles in the papers that this fire of antagonism has spread from place to place. They take the spark from one corner of the country to another and the result is that the whole country is ablaze. If there is a small disturbance or a small riot in a small village or town, the next day you will find in the communal papers big articles giving exaggerated accounts of the happenings of that incident. It is in this way that like the germs of plague these papers carry the germs of bitter feelings from one place to another place. If any measure is adopted by which the circulation of this obnoxious literature is stopped I think that half the bitterness which is now found in this country will be stopped. Certainly, Sir, it is no use punishing the editor or a writer of a pamphlet if the poisonous matter is not checked, and is left there to germinate ; and I think it is quite right that the Executive should have power to destroy the real thing which is the cause of spreading communal feelings and bitterness.

My Honourable friend, Mr. Das, says that the Executive has still got much more power than is required. Well, I do not want to have any quarrel with him upon this question. I think there are certain things in which the Executive has got more power than it ought to have ; but certainly in this matter the Executive has not got the power which is required, that is the power to destroy the poisonous literature—the provoking and objectionable pamphlet. My Honourable friend, Mr. Das, has said that it is the Anglo-Indian Press which is more responsible for creating this situation. I do not hold any brief on behalf of the Anglo-Indian Press, neither have I any sympathy with them, but I can only say that the Anglo-Indian Press will not be exempted from the operation of this Bill, and if the Anglo-Indian Press is more responsible for creating this situation I think it is still more necessary that such an amendment be made in the Indian Penal Code and Government should be empowered to confiscate and destroy the objectionable matter, because from the trend of my Honourable friend's speech I find that he thinks that the Government show partiality towards the Anglo-Indian papers and they are not prosecuted. I say it is for this very reason that you want a provision like this, because the Government may not like to prosecute and send to jail an English editor of an English newspaper ; but certainly if they have got power to confiscate the objectionable matter, at least they will take this measure without doing any harm to the person of that Englishman ; and they would at the same time be gaining the object which is desired. For these reasons, Sir, I support this motion and I heartily welcome the Bill.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I have listened with great patience to the speeches that have been delivered on this Bill. The Honourable the Home Member made an impassioned appeal to this side of the House to support the cause of law and order. Well, Sir, I would ask the Honourable the Home Member to support us and then by supporting us he would be supporting the cause of law and order. (*Khan Bahadur W. M. Hussanally* : "What do you mean by 'us' ?") Now, what is the history of this measure ?

Section 153-A of the Indian Penal Code was added by an amending Act of 1898 ; and in 1910 the odious Press laws were enacted. When the Reforms were inaugurated the Government of India then thought that the Press laws must be repealed and by the Act of 1922 the Press laws were repealed, and these sections, sections 99 A, B, and so on, were added to the Code of Criminal Procedure. Honourable Members of this House must remember it. Only as far back as four years ago these sections were deliberately added to the Code of Criminal Procedure after repeal of the Press laws of 1910. At that time there was no thought of re-enacting the operative provisions of the Press Act of 1910 which this Bill now proposes to do. If Honourable Members will turn to the provisions of the Press Act of 1910, Act I of 1910, they will find that the present Bill seeks to re-introduce some of the obnoxious provisions of the Press Act repealed in 1922. Now, what is the justification for it ? The Honourable the Home Member appeals to a transitory and passing phase of communal tension in this country. I hope, Sir, I am voicing the sentiments of the non-official Members of this House when I say that the communal tension in this country is only a transitory and passing phase (*An Honourable Member* : " I hope so. "), and does that justify the permanent strengthening of the law which would be a menace to the liberty of the Press and of the public ? That, I submit, is a short question which this House has to answer. For, what are the provisions of this Bill ? It gives the police a right to confiscate all kinds of printed matter, whether it is a newspaper, a leaflet, pamphlet or a book, and the only remedy open to the person against whom the order of forfeiture had been made is the exceptional remedy provided in the clauses 99-B. onwards, namely, an appeal to the High Court. The Honourable the Home Member has said in one part of his speech that the daily or weekly Press—I think he meant the daily Press—would not be affected by it. Well, Sir, reading the language of the Bill, I do not see any clause safeguarding the rights of the daily Press. If it was the intention of the Legislature, if it was the intention of the Honourable the Home Member, to limit the operation of this Bill to leaflets and pamphlets and to exempt the daily Press from its operation, then I submit, we might have looked upon this Bill with a more favourable eye, but the sweeping provisions would not prevent a raid upon a daily newspaper, or for the matter of that, upon the office of my Honourable friend the Managing Director of the Associated Press, or the conductor of a weekly or monthly newspaper, or the printer and publisher of a pamphlet or a book. I, therefore, submit that it is a menace to the liberty of the people, it is a menace to the liberty of the Press ; and in the guise of a short Bill the Government are now trying to re-enact the Press laws of 1910, and they are also trying to take, if I may be permitted to say so, an undue advantage of the present passing phase of communal tension, happily subsiding, if not dying, to take large powers for house searches in respect of objectional matters.

Now, Sir, apart, therefore, from the objection which I have to the Bill, I see further objections, and I shall state to the House why this Bill is not only not necessary but that it would, if enacted into law, be a standing menace to the liberty of the people. Section 153-A of the Indian Penal Code was hesitatingly enacted in 1898. Its language is wide, and it is not quite possible to say in all cases where section 153-A. of the Indian Penal Code ends. Let me give Honourable Members a passage, the effect of which they will realise for themselves. Macaulay's portraiture

[Sir Hari Singh Gour.]

of the character of the Bengali or Shakespeare's description of the Jews would conceivably fall within the purview of section 153-A and so would that famous opera known as the Mikado. It is only by the use of a wise and judicious discretion that the operation of section 153-A of the Indian Penal Code has been kept within limits, and, so far as I am aware, there have been only two or three cases under section 153-A. of the Indian Penal Code. It is a most difficult question to interpret and almost an impossible section to understand. Now, Sir, that being the position of the substantive law, you give the police *carte blanche* to judge for themselves whether a particular newspaper, leaflet or pamphlet offends against the provisions of section 153-A.

The Honourable Sir Alexander Muddiman : I would ask the Honourable Member not to mis-state the law at any rate.

Sir Hari Singh Gour : Yes, Sir. We have had a very edifying spectacle of a Local Government within the last few weeks. We know what the Local Governments sometimes do, and we will not think whether a Local Government acts upon its own initiative, or as is done generally, upon the initiative of the subordinate executive. Well, Sir, whether it is a Local Government or the police, they decide that a particular thing tends to promote communal tension, and the newspaper is confiscated. Then you have the remedy which, as I have pointed out, is provided by the subsequent sections of the Criminal Procedure Code. Well, Sir, these are the provisions of the Bill upon which I, at any rate, am not able to make up my mind, and I cannot give my support to the Honourable the Home Member particularly in view of the fact that on the day this Bill was introduced, Honourable Members will remember, I questioned the Honourable the Home Member on one or two points. I first of all told him that they were giving this large power, they were substantially re-enacting the provisions of the Press Act of 1910. Now, have you consulted public opinion ? The answer was that public opinion was not consulted. That is the first thing that Honourable Members will remember.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Who are the public, Sir ?

Sir Hari Singh Gour : My Honourable friend Mr. Kabeerud Din Ahmed is a member of the public. Now, Sir, the Provincial Governments are going to be armed with that power. Well, I should like to have had before me the opinions of the Local Governments. The Honourable the Home Member replied that the Local Governments had not been consulted specially upon this Bill, but in a general correspondence upon the present situation a reference was made to the Local Governments, and their replies have been received, and that he would refer to those replies in the course of his speech on the motion to take the Bill into consideration. I then asked the Honourable the Home Member whether the relevant correspondence relating to the Bill would be made available to the Members of this House. The Honourable the Home Member said no. The result, therefore, is this. This Bill is being forced upon this House during its last days, and, so far as this House is concerned, without giving the non-official Members even an opportunity of seeing what the Local Governments say and without giving them an opportunity of consulting public opinion. Now, is it fair to the Government ? I appeal to the Honourable the Home

Member—this is an attenuated House. I recognise that he has loyal supporters behind him. I also recognise, Sir, the attenuated ranks on this side of the House, and it is upon that ground, Sir, that I ask the Honourable the Home Member to remember that we are now winding up this Session, and a Bill of this controversial character should not be rushed through without consulting the people and persons who would be primarily affected by it. Is it fair, I ask, that we should be asked to consent to this

1 P.M.

Bill without consulting our constituents or the persons who would be directly affected by it? Sir, I submit that it has been a rule and I know, Sir, that you also gave it as a ruling from the Chair that controversial measures should not be introduced during the residue of the Session. But I am not appealing to you, Sir. I am appealing to the good sense of the Honourable the Home Member and I know he possesses plenty of it. I only ask him not to use his majority, his standing majority, to rush this measure through, for it is an unpopular measure and one which, I submit, is not required in the present circumstances of the country. It is perfectly true that, if this measure had been introduced during the occurrence of the recent Calcutta riots as a temporary measure, as an Ordinance, there might have been something to say in its favour, but to place it permanently on the Statute-book, to re-enact, as I have said, some of the most obnoxious provisions of the Press Act of 1910 and to incorporate them in the standing criminal procedure of the country is a thing to which, I submit, no responsible Member of this House can assent without further consideration, and it is on that ground, Sir, that I have given notice of a motion that the Bill be circulated for the purpose of eliciting opinions thereon. We have no opinions at all—absolutely no opinions. I therefore submit that a measure of this character which, I submit, is *prima facie* a measure which curtails the liberty of the subject, should not be passed without consulting the persons affected by it. Four months would not make any difference to the Honourable the Home Member. (*The Honourable Sir Alexander Muddiman* : “It would not make any difference to the Home Member but it might make a considerable difference to the Honourable Member.”) Four months, Sir, would not make any difference to me or to my fellow Members. We are after all birds of passage, we are here to-day, we are not here to-morrow, but I submit that now that we stand doing our duty with our faces to the west about to mutter “*Nunc dimittis*” is it fair that you should at this moment charge us with the heavy load of having to take the responsibility of giving our consent to a measure which we know would not be liked by the public at large and which we feel would seriously jeopardise and threaten the liberty of the people. Upon these grounds, Sir, I ask the Honourable the Home Member to accede to the motion I wish to make, namely, that the Bill be circularised.

Mr. K. C. Roy (Nominated Non-Official) : Sir, I rise to move my amendment—

“That the Bill be referred to a Select Committee consisting of the Honourable Sir Alexander Muddiman, Mr. L. Graham, Mr. M. A. Jinnah, Lala Lajpat Rai, Mr. K. C. Neogy, Mr. N. M. Dumasia, Colonel J. D. Crawford and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

Sir, all the members were good enough to give me the necessary permission, except Lala Lajpat Rai, who gave me provisional permission. I am

[Mr. K. C. Roy.]

glad, Sir, that he is here to-day and I welcome his presence. He is the doyen of our profession and expressions of views coming from him will carry great weight with my fraternity. Sir, at the outset I wish to make my position fully clear. I entirely accept the underlying principle of the Bill. I do not deny for a moment that there exists in India a communal situation almost unparallel in her history. I do not for a moment deny that there is any amount of objectionable writing in the Press and in leaflets. Nor do I deny that Government have the right to demand some power from us in this connection. But are the Government right in demanding this Bill from us to-day and without further examination by the Select Committee? Sir, if the Honourable the Home Member gives us a Select Committee we shall only require two hours, or possibly a day, and we shall be able to produce a report as we are very anxious to assist him in his undertaking. We are fully sensible of the exceptional emergency which is arising in the country. Now, Sir, I am fortified in my opinion by the opinion of a most competent authority. A newspaper of great eminence and standing, called the *Leader*, has written as follows :

"It goes without saying that the authors and publishers of such disgraceful literature must be punished promptly as well as adequately whenever they can be got at."

This is a view which I for my part fully endorse, but, Sir, I want the Select Committee to examine the opinions of the Local Governments. I want the Select Committee to examine whether it would not be right to limit the life of the Bill to two years. I want the Select Committee to examine that very suspicious clause, clause 2 (a) of the Bill, which runs as follows :

"(a) after the words 'seditious matter' the words 'or any matter calculated or likely to promote feelings of enmity or hatred between different classes of His Majesty's subjects' shall be inserted ;"

I should like, Sir, to see the following substituted in its place :

"matter which promotes or attempts to promote feelings of enmity or hatred, etc.,

The Honourable Sir Alexander Muddiman : I might point out to the Honourable Member that if he wishes to put forward any amendments he should have put them on the paper. I should have been prepared for them.

Mr. K. C. Roy : I claim, Sir, that I had not sufficient time. Again, Sir, another matter I would like to discuss in the Select Committee is whether confiscation should not take place after a verdict of a competent judicial authority. These are matters, Sir, which I place before the Home Member and I know that they will receive the utmost consideration at his hands.

I am sorry, Sir, to sound a note of warning. The Government of India have taken no notice of the failure of Provincial Governments to maintain law and order. They have overlooked the ringleaders of the riots, they have overlooked the real rioters. It is the Press that has been singled out for public chastisement.

The Honourable Sir Alexander Muddiman : Might I inquire, Sir, before any other speakers address the House, what is the actual amendment before us?

Mr. President : The original motion for consideration of the Bill and the two amendments to it are all before the House. All the three are

being discussed together. When the debate is over, I propose to put the amendment for circulation to the vote first and, if that be defeated, I propose to put the amendment for Select Committee, and, lastly, the motion for consideration, if necessary.

The Honourable Sir Alexander Muddiman : I am much obliged, Sir.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, I rise to oppose the motion that the Bill be taken into consideration with all the emphasis that I can command. The Bill is not so simple as the Honourable Mover seems to think. It is a very serious encroachment on the liberties of the people and is liable to be used for the purpose of adding fuel to the fire instead of allaying it. And, therefore, it is not such a measure as can be passed in such a hurry as it is attempted to be passed. The measure can be divided into three parts for the purpose of consideration : the confiscation of matter upon which there has been a finding by a judicial court under section 153A, the stopping of circulation of matter for which a person is under trial, and the summary forfeiture of matter which has never come before a judicial court. The Bill under consideration extends all the summary powers of determination and confiscation conferred by section 99-A on a Local Government, for this last mentioned object. There may be something to be said for the first two points, and if the Government will give us time we shall be very glad to co-operate with them in finding suitable remedies for the purpose of preventing the circulation of any matter which is likely to come under section 153-A, during the pendency of a trial, or after a trial has been concluded. But to give such wide powers to the Local Governments or to the police as are contemplated under section 99-A, without any of these qualifications, will be a serious encroachment upon the liberties of the people and they are liable to be abused as powers like that have so often been abused in the past. So far nothing has been said here which goes to the core of the matter except perhaps the speech of Sir Hari Singh Gour. It is really an attempt to reintroduce those provisions of the Press Act which have been done away with, deliberately, after a long agitation and after a complete inquiry by the Government, an inquiry made by a very competent Committee. And after those provisions have been superseded this is an attempt now to reintroduce them in this insidious form. No one deplures more than I do the religious quarrels and communal troubles that have been going on, and I would welcome any measures taken by the leaders of the people or by the Government to stop that state of affairs or even to minimise the evil, if it cannot be stopped altogether. All such measures will have my fullest sympathy. But we cannot be a party to a measure which may be used for purposes other than communal. This insidious Bill practically goes much beyond the need of stopping the circulation of matter likely to lead to communal quarrels. You will see that if this amendment is made in the law as proposed it may be used—I do not say it will be—but it may be used not only for the purpose of confiscating or forfeiting such literature as is likely to come within the purview of section 153A on account of its communal nature, but it may also be used or rather abused when something may be said by labour against capital or *vice versa*. That is an aspect of the question which Honourable Members should keep in view. Section 153A is wide enough. It does not confine itself only to religious quarrels between communities professing different faiths. For when it refers to a matter which is likely to promote enmity and feelings of hatred and contempt between different classes, it is by no means likely to be confined to disputes between Hindus and Muhammadans only. There are

[Lala Lajpat Rai.]

other classes also. Therefore the effects of the present Bill may have very far-reaching consequences and it should not be regarded as a simple measure for strengthening the hands of Government in dealing with religious disputes for the maintenance of law and order. I have every respect for the maintenance of law and order but I do not know of a single instance where this Legislature has done its best to strengthen the hands of the Government by giving it special powers to meet an emergency and where the law thus enacted has not been abused and has not been kept on the Statute-book for a longer time than was necessary. We have known that to happen in the case of many measures which at the time we did not take serious exception to because we thought that the emergency existing at the moment demanded them. We know that in the past measures have been enacted in the name of law and order for temporary purposes due to passing emergencies, and we also know that those measures have been kept on the Statute-book when the emergency had passed and have been used for purposes for which they were not originally intended. Now I am not quite sure but I think it was said by the Honourable the Home Member that the daily press is not likely to be affected by this Bill. Well, I do not know. You are asked to give vast summary powers to the magistracy or the Executive for the purpose of determining what matters are likely to come under section 99-A, and it is quite possible that the issue of a daily paper may be stopped and it may afterwards prove to have been quite unnecessary. Under the last sub-section of this section they will have no remedy, by way of a claim for damages. I do not want to oppose the Bill tooth and nail, but what I am submitting is that no case has been made out for passing the Bill in such a great hurry without giving the people sufficient time to consider its provisions fully. Also we cannot make up our minds at once as to how far to support or to oppose it or in what modified form it may be passed. All these things have to be gone into before this Bill could be accepted. Of course the Honourable the Home Member is very strong to-day on account of his voting strength in this House, and probably he is going to use it. But I can not help saying that that will be very unfair. This is not one of those uncontentious measures that can be passed in this House in such a hurry; and this is not an emergency measure also because an emergency measure is meant for a small period. Here it is proposed to put this on the Statute-book for all time, and as such it is likely to cause harm. Also, Sir, no facts have been placed before us as to events between the date when the Legislative Assembly last sat in March and now to justify this Bill. Many riots have taken place on doubt, but is there any evidence to show that besides what the newspapers said, which could not be stopped, any large number of pamphlets have been circulated in the country which have brought about the existing state of affairs? The case of Kohat has been quoted, but I do not know whether the Honourable Member remembers that in Kohat it was after the pamphlet had been destroyed by the Magistrate and no more copies were left for circulation that the trouble broke out. The conflagration took place after the pamphlet had been destroyed. So that we are not at all sure that the measures proposed under this Bill are likely to be effective. Is it even true that any large numbers of pamphlets have been issued during this period? As regards newspapers I quite agree that they are to a very large extent responsible for the present state of feeling. I say that without discrimination. The papers of all communities, Hindu, Muhammadan and Anglo-Indian—all these three classes of newspapers

have added to the feelings of tension and have contributed to this trouble. But you cannot stop them. In extreme cases you can stop them under the powers which you have at present, for there are several provisions of the Criminal Law under which they can be hauled up. It has been said that this Bill will not affect newspapers and is meant primarily for the kind of pamphlets to which I have referred. But to add to the powers of the Executive in this way is I submit a gross encroachment upon the liberties of the people and should not be indulged in in such a hurry. I want to assure the Government that in any measures they may want to take to stop this communal tension and to stop the publication of matter which is likely to add to the communal tension or to bring about riots or quarrels, the Government will have the fullest sympathy and support of all sections of the people. But what is now proposed is not the proper remedy. The remedy is different. Even if this be a part of the remedy, the present form of the Bill is, I submit, not the proper remedy and this legislation should not be undertaken. I would earnestly appeal to my friend Mr. Yakub not to support the Government in such a way that the trouble may be aggravated, rather than stopped. It is for us to take to heart the present troubles and their consequences and try to stop them honestly. No amount of legislation will stop this communal tension. Unless the leaders of the Hindu and Muhammadan communities take steps to stop it, it will never cease. We must do our best outside the Legislature. The legislation that is proposed is entirely misplaced. After we have exhausted our resources it will then be time to come to the Legislature.

An Honourable Member : Have you not exhausted your resources ? At Delhi, for instance.....

Mr. President : Order, order. The Honourable Member is not entitled to make a speech.

Lala Lajpat Rai : I make the deliberate statement in this House that we have not tried all our resources to stop these communal troubles.

An Honourable Member : Why not ?

Lala Lajpat Rai : Because we were engaged in some other business. I do not want to go into particulars, but I will say that we have not exhausted all the resources.

With reference to the Unity Conference, my friend says it was a fiasco. I cannot accept that statement as a true representation of facts. The conference was not a fiasco. After several days' deliberations we came to very good conclusions. We were not able to induce the country to take action on those conclusions for certain reasons which I do not want to go into at this time. After that time we did not make very serious efforts. We did not expect a conflagration to such an extent. But I am perfectly prepared to state from my place in this House that we have not exhausted all the resources that we had at our disposal to prevent a certain amount of this communal tension, and we ought to do it now before we come to legislate here. What can legislation do, until you change the heart of the people ? Legislation cannot prevent the riots if the people are determined to break each other's heads. The other day I read a speech in which it was said, " The moment we come down to a settlement of the Hindu-Muhammadan question, these riots will cease." I do not want to say anything bitter ; I do not want to say that that statement is perfectly correct, but there is a certain amount

[Lala Lajpat Rai.]

of truth in that statement. So you will see legislation in this matter will not help us very materially, and this legislation particularly. You know the atmosphere of these troubles. I am not going to bring any charge, but in this atmosphere of Hindu-Muhammadan bitterness, there are Hindu police officers and Muhammadan police officers, Hindu informers and Muhammadan informers who might add to these troubles by the exercise of extraordinary powers this Bill confers on them.

An Honourable Member : Not sufficient, Sir.

Lala Lajpat Rai : The law gives them more employment, more business instead of stopping their business. It is in our interest to stop their trades, but this Statute will give them more power and give them greater facilities to bring about quarrels. This section should be entirely deleted from the Statute-book. In fact if I were at liberty to do so I would introduce a Bill to remove that section from the Statute. I have seen it sometimes abused, but to extend it and to extend it in such a way as this, is not, I respectfully submit, a wise course, not a statesmanlike one. If Government wanted any temporary measures in order to check the expansion or spread of these communal quarrels, that would be an entirely different thing. But this is not a temporary measure ; it is a permanent one, and on principle should be disapproved of by the House. It is the reintroduction of a measure which has been cancelled by the deliberate vote of this House. This Bill introduces a measure which we have deliberately repealed. The day before yesterday a speech was made by the Honourable the Finance Member in which he appealed to us not to hit below the belt. That is exactly what Government are doing by the introduction of this Bill and by the determination to pass it at such time as this, without any consideration by the people and without eliciting any further opinion on the matter. I submit that the Bill should not be passed in this manner. I have had no time to study it, as it was not circulated for public opinion, and to make it an emergency measure is not fair. The Government think otherwise and they will take advantage of the opportunity they have got. But I would respectfully appeal to every Member of this House not to be actuated by these passing events but to think of the permanent injury that this Bill would cause to the liberty of the Press, to the liberty of conscience, and to the interests of the country if it goes on the Statute-book in this form. I would not hesitate to say that it would practically be playing false to the people and to the country. I therefore strongly protest against this Bill being passed in this way and I support either of the two measures proposed by Sir Hari Singh Gour or Mr. K. C. Roy.

Mr. C. A. H. Townsend (Punjab : Nominated Official) : Sir, as a district officer who has served in the Punjab for over twenty-five years I rise to cross the t's and to dot the i's of the speech made by the Honourable the Home Member in so far as he spoke of the great anxiety and worry from which district officers in the North of India now suffer, owing to this most unfortunate communal tension. Sir Hari Singh Gour has told us that that tension has subsided. I do not know what are the grounds for his statement, and I wish from my heart that I could agree with him. I see, I am sorry to say, no signs whatever of its subsidence. Leaving, however, that point, I will try to depict to the House the grave anxieties caused to district officers in the North of India during the last few

years by this communal feeling. It is never absent from the minds of those who have to maintain law and order. There are Members in this House who have said that the officials of Government are anxious that communal friction should remain. They know but little of our anxieties. We have this matter ever in our minds, but particularly when some big Hindu or Muhammadan festival is approaching. Some time before the occurrence of each important festival we have to take the most careful and elaborate measures in every big city in the Punjab, and also in many small towns nowadays, in consultation both with the police with the local leaders of each community, and often, I am sorry to say, with the military authorities, as to how law and order are to be preserved. Fortunately, our efforts in the matter in the Punjab this summer have not been unsuccessful, except in one or two instances. But anxiety is never absent from our minds. I read in the newspaper the other day that the Deputy Commissioner and the Superintendent of Police of Lahore both spent the night preceding a big festival recently at the Sadar Police Station in that city—a pleasant place in which to spend a Punjab summer night. I personally arranged with my district officers—and I, in no way, wish to blow my own trumpet,—that my district officers should send me telegrams as soon as the recent Id and Mohurram festivals in their districts had passed without trouble. As I received the telegrams from each district informing me that everything had passed off well, I said "Thank God". You cannot realise the relief we district officers feel when an important festival passes off without any disturbance.

There is another aspect of the case, I should like to put before the House. Apart from riots, which are the outward and visible signs of communal friction, it affects all Government servants in administrative posts in the Punjab, in every branch of the administration. If we have to make nominations for appointments to a District Board or Municipal Committee, to make appointments to Government service, to promote Government servants, to make enquiries into charges of corruption or inefficiency against them even in the administration of criminal justice, we have always to bear in mind claims of the different communities or the possibility of communal jealousy being at the bottom of the complaints, before reaching a decision.

Sir Hari Singh Gour in his eloquent speech not infrequently used the query, "Is it fair to the House?" I would ask this House a similar question: Is it fair to the men serving Government in Northern India, both European and Indian—the great majority are Indian—that this unfortunate state of affairs should be allowed to continue a minute longer than this House can help?

The Assembly then adjourned for Lunch till Half-Past Two of the Clock.

The Assembly re-assembled after Lunch at Half-Past Two of the Clock, Mr. President in the Chair.

Mr. N. M. Dumasia (Bombay City : Non-Muhammadan Urban) : Mr. President, this is a very simple but a most important Bill. It involves no complicated issue, and its urgency is evident. My Honorable friend Lala Lajpat Rai, whom I do not see here now, opposed the

[Mr. N. M. Dumasia.]

Bill with all the emphasis in his power, yet he also recognised the necessity of adopting some measure for the preservation of peace and the prevention of the spreading of feelings of communal bitterness and hatred. To my mind the imperative need of the country is the restoration of friendly relations between the two great sister communities. Without harmony, without co-operation, the progress of the country will be impeded. The pressing need of the hour is tranquillity for which it is our duty as peaceful citizens to co-operate with the Government with all the might that lies in our power. The riots have already resulted in enormous loss of life and property and caused incalculable damage to trade and dislocated business and created a feeling of distrust and suspicion in the country. The atmosphere is charged with the spirit of dangerous hostility and it is the duty of every citizen to strengthen the hands of Government in the restoration of peace and amity, even if it involves a little sacrifice. But if this measure is rushed through this Assembly without being carefully considered in the Select Committee, it will create a feeling of suspicion in the country. I think, in order to consider what improvements or modifications are necessary in the Bill and to allay the feeling of suspicion, it is necessary that the Bill should be carefully considered in the Select Committee, in its various aspects. I know that the measure does not admit of delay, but what we have to consider is that it is the right kind of action. Before the next Assembly meets several months must be lost and the country wants rest and peace. Sir, any measure which is contemplated to allay this racial bitterness should not be delayed, but as I have said, we should not take a hasty step which may be misunderstood in the country. My friend Lala Lajpat Rai said that communal representation was the cause of these riots. I beg to differ from him. It was the late Mr. Gokhale who, for the sake of compromise and continuance of friendly relations between the two communities, advocated communal representation, and he went so far as to say that, even if in proportion to their numbers one or two more seats were given to Muhammadans, it would not matter provided it secured peace and harmony. Sir, I was one of those who was at first opposed to communal representation, but now I stand here to-day as a convert. If communal representation which has been a settled fact were done away with to-morrow, there would be riots, disturbances and bloodshed all over the country again, and it was with the view of avoiding this that the late Mr. Gokhale, who was a great and patriotic Hindu of the Hindus, and who believed that for the peace of his country and the progress of his country unity between Hindus and Muhammadans was necessary, went the length of saying that even if the representation granted to the Muhammadans was a bit more than was actually required, he had no objection to it. Then my friend Lala Lajpat Rai said that riots were continued after the inflammatory literature was burnt, but he forgot that the mistake which was once done could not be undone. As I have said, Hindus, Muhammadans, Christians, Parsis, we all want tranquillity in the country, and to secure that purpose it is our duty to strengthen the hands of the Government even if it involves a bit of sacrifice on our part. But I think that should only be temporary as this question affects the liberty of the people. I do not want that a wrong impression should be created in the country by hasty action. I therefore strongly support

the motion moved by my Honourable friend Mr. K. C. Roy for the committal of this Bill to a Select Committee, and in doing so I beg to say, that if I think that this Bill would encroach upon the liberties of the Press and the people permanently I would oppose it outright and vote for its rejection. But, as I have said, this is a simple Bill, conceived in the best interests of the country and it is necessary that it should be considered in Select Committee. It may be argued that we have no time for this purpose. But the Select Committee may meet at once and finish the business with as little delay as possible.

Mr. K. Ahmed : Will you sit this evening and finish by to-morrow morning ?

Mr. N. M. Dumasia : Sir, I am in the hands of the Honourable the Home Member. If he calls the meeting to-day we are ready to discuss it to-day and come to a settlement, but even one who was one of the strongest opponents of the Bill, Lala Lajpat Rai, has said there is a necessity for some measure, but he wanted to leave these things to the leaders of the community, stating that the leaders had not exhausted all their resources. If the leaders have not exhausted all their resources, it is not the fault of the Government ; it is the fault of the leaders themselves. They should have bestirred themselves and not waited till Government were compelled to bring in this Bill.

Colonel J. D. Crawford (Bengal : European) : Sir, there is one point in the debate which has emphasised and forced itself upon me, and that is that everyone is sincere in their desire to see whether they cannot allay this communal tension which stands in the way of the ordered progress of this country. Every Indian, be he Muhammadan or Hindu, who has spoken so far in this debate has emphasised his desire to assist ; and may I say that we Europeans too desire to do all we can to assist in a settlement of this present communal discord. We are often charged, as the Government are often charged, with helping to foment communal hatred. I desire emphatically to repudiate on behalf of my community any comments of that description. It is not in our interest to foment communal discord, and any body who has had experience of the Calcutta riots will know that British commerce was one of the heaviest sufferers from the discord in that city.

There are three points at the moment before the House. There is the Bill and there are two delaying motions. One delaying motion is for circulation for opinion which, if accepted, would necessitate the Bill and the consideration of the Bill being postponed till the next Session. The other delaying motion is one for a Select Committee, and I presume the Honourable Mover of that motion considers that he will have time to have his Select Committee finished and his Bill passed through both Houses of this Legislature before this Session ends. Let me first speak of the necessity for legislation of this nature. I had considerable experience of the riots in Calcutta and anybody who went round the Indian quarters during those riots must have been struck by the number of little groups which one saw sitting around in the streets with one man with a pamphlet in his hand reading it out to the others. There can be no doubt that those pamphlets and I think many newspapers too did a great deal to foment and maintain the tension that was current in Calcutta. I do not think there can be any doubt of the necessity for action of some

[Col. J. D. Crawford.]

sort. From what the Honourable the Home Member has said, it appears that under the existing law you can punish the people who publish these pamphlets but you have no power to go out and seize the pamphlets on the spot and prevent their circulation in the town and in the mofussil, and that is the power, I understand, which this measure seeks to give to the Executive.

I do not find any difference of opinion among Members of this House as to the necessity for legislation of some sort, but let me deal with the question of delay. My Honourable friend Sir Hari Singh Gour has put forward certain proposals that this measure should be circulated for opinion. Well, my Honourable friend Lala Lajpat Rai stated that there will be no great abatement of communal tension till the question of Muhammadan and Hindu representation is finally settled. That is, as a matter of fact, a very true statement. But as regards the position to-day there can be no doubt that there will be no immediate abatement of the present tension until the forthcoming elections are over. Now those elections are to take place before this House sits next January and it is during this period that we may expect considerable and increasing communal tension. If you want the measure at all, you must have the measure now or leave it alone for good. Therefore, I cannot support his proposal for a delaying motion of circulating for opinion.

As regards Mr. K. C. Roy's amendment, I personally do not see the necessity for a Select Committee. The need of the country to-day is that Government shall act and do all that lies in its power to put down a state of affairs which in any European country would have raised the whole country to a demand that Government shall take action. If you had been in Calcutta city as I was, you would have seen the poor people who were not really concerned with the riots—what were they doing?—running out of the city, unable to perform their local jobs, their houses looted or burnt. What is needed is that Government should come forward and take these citizens under their protection.

Mr. K. C. Roy : Whose incompetence was it due to ?

Colonel J. D. Crawford : I am not concerned with whose incompetence it was due to. If the Government is incompetent it is for the non-official Members to see that it is competent and to press it to take adequate action to suppress these disturbances.

Mr. K. C. Roy : I hope you will give us your support then.

Colonel J. D. Crawford : As regards the suppression of the liberty of the press, Honourable Members have said they are here to defend the liberties of the people and the liberty of the Press. That is true, but we are here also to see that the Press performs its responsibilities to the people, and when you get in papers, as I have got here, articles too terrible to read out in this House, I feel that the Press or portions of the Press at least have not fulfilled their share of the bargain, and that if they do not fulfil their share of the bargain, then it is up to us to keep them to it. There is one thing which we all desire and that is that communal discord shall cease. There is one duty forced therefore on every Member of a legislature in this country, be it provincial or be it central, and that is to give to-day, as an earnest of his desire to assist in allaying communal discord, his support to the Executive in a reasonable measure of this nature. I therefore support the principle of the Bill.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, I confess I rise to speak on this motion with some reluctance for it is a case of choice of evils which we have to face to-day. I may say at once that I lend my wholehearted support to the principle underlying the Bill not because of the vague statement made by Colonel Crawford that he saw people in the streets of Calcutta reading something of which we know nothing and of which we have heard nothing but what he infers from the reading.....

Colonel J. D. Crawford : Would you like me to read it here ? Do you think it desirable ?

Diwan Bahadur T. Rangachariar : If you have got it I should like to read it, because it will enforce the argument.

Colonel J. D. Crawford : I will show it to you afterwards.

Diwan Bahadur T. Rangachariar : Well, it is not because of that statement but because the case for the principle of the Bill rests on more substantial grounds. I myself have seen reproductions of some pamphlets or leaflets only last week reproduced in the *Hindustan Times* which appeared to me to be very provocative indeed, and I have heard it stated by people in these parts that such inflammatory leaflets and pamphlets do circulate, and I do not think any Honourable Member of this House has questioned the accuracy of the statement made by the Honourable the Home Member that most of these riots are due to such a cause in a large measure. Even my Honourable friend, Lala Lajpat Rai, for whose return to the Assembly to-day we are all grateful, although he says he has not seen many pamphlets of that sort, even he does not question the accuracy of that statement. So we start with that fact. Here are riots which end in bloodshed, which end in injuries to our own countrymen.

Now, if there is one thing clear more than another it is this. Preventive action is needed in this case more than in the case of seditious matter. Seditious matter, I am sure, will fall flat upon the people of this country. It does fall flat ; and however much there may be writings preaching sedition, unless it amounts to inciting to actual rebellion and all that, I am not at all afraid of any amount of seditious matter being uttered or spoken or written or published or printed. But in a case of this sort where an appeal is made to religious fanaticism creating discord among communities, it is very necessary that we should take ample safeguards. The principle underlying this Bill is that prevention is better than cure. I would perhaps state it that prevention is better than punishment. Now, what is the power which the Executive Government now possess ? They can prosecute people who circulate or print such pamphlets, inflammatory pamphlets, leading to communal or class discord. No doubt that might have some effect, but it is far better to prevent the spread of such literature because then we will be doing a great deal of good to people who are likely to fall a prey to such incitements. Therefore, Sir, the question is whether the Executive have now got that power under the existing law. It is true that after conviction the pamphlets can be confiscated. It is true that you can make a search after instituting the prosecution and get hold of the papers and produce them in court. It will be for the court to pass orders regarding the disposal of papers so seized. But prosecution under this section, all will agree, should not be lightly launched. It requires the careful consideration of Government before such a prosecution can be launched, because many issues arise

[Diwan Bahadur T. Rangachariar.]

out of a prosecution. Probably you give greater publicity by a prosecution of that sort to inflammatory matter and perhaps it would be wise to ignore such things. Therefore, Sir, I accept the principle underlying the Bill that the existing law does not arm the Executive with the necessary power for prevention. This is highly essential and therefore an amendment of the law is needed. Now, we all have an instinctive dislike to the Executive Government of this day, and, I am sorry to say, with ample justification. Justification, Sir, we need not go far afield to seek. We have it in what happened only the other day in Bengal. Sir, it is a matter of all-India importance. Now, why do the people distrust this Executive Government? If there is any opposition to this measure from my non-official friends here, it is because such power has not been properly used before, and that is why they dislike to arm the Executive with more power of this sort. Therefore, I appeal to the Honourable the Home Member, while I for my part am prepared to lend my support to this Bill, to keep a close watch upon the way in which this power is exercised. Home Members have often said on the floor of this House that they are doing it and that they will take care to do it; and I am glad to acknowledge in one case to my own knowledge they have exercised their supervising authority to the satisfaction of the public—I will not mention that instance. But at the same time I am not at all sure that they are keeping that close and strict watch over the Executive Governments all over the country in the way in which Central Governments should do. For no doubt under the section, as Honourable Members will have noticed, the power to decide whether the matter is one coming within the scope of the section is vested in the Local Government. But what is the Local Government? Does the Governor in Council really consider this matter? He ought to, I quite agree. But oftentimes they are misled by the executive officers; in the excitement of the moment the executive officers do not bestow that calm and cool consideration which the Home Department of the Government of India often does in matters of this kind. That is where the trouble comes. It is abused, it is misused, it is misapplied; influential papers escape; rich people escape; troublesome communities escape; in that way people are apt to look with suspicion. If the Government will administer impartially the power entrusted to them, I am sure the distrust which now exists in the minds of the public will disappear. That, Sir, is where we are crying for responsible Government; for then they will take care to see that they do not exercise the power in the way in which they are doing it now. But at the same time that cannot be helped. In the meanwhile the country cannot wait for Swaraj and say "We will not arm the Executive with power of this sort, though it is essential in the interests of preservation of lives and of peace and of the limbs of the people of this land". We have to tolerate the Executive Government as it is. We have to trust them; we are here to see that they behave properly, and I am quite sure if we do our part here we can keep the Executive Government somewhat in check. But my Honourable friends argue "Why do you rush a measure of this sort in a thin House like this?" Is the Executive Government responsible for the thin House? The people are responsible for the thin House. Let them take note of it. Here is a most important measure affecting, it is said, the liberty of the subject and the liberty of conscience; and where are the people's representatives? What are they

doing ? Sir, I say that is no excuse at all. We cannot shirk our responsibility simply because some people happen to be absent. We have to do our duty. We have to do our duty to the extent to which it lies in our power. At the same time, when I give my support to this measure, I cannot help feeling that amendment of a substantial nature is needed in the Bill as introduced. I hope this communal feeling, this tension between the communities is a passing phase. I hope that is so, although whether there is ground for my hoping so is a matter perhaps to be judged later on. So, whether there is necessity for enacting a permanent measure and placing it on the Statute-book, arming the Executive in this manner is a matter for serious consideration. This acute tension is only of recent growth and I hope it will disappear soon. It will disappear not merely by preserving law and order. As I said yesterday some more elaborate measures are needed. I will not go into that question now, but merely keeping the peace or preserving law and order and preventing riots is not going to remove the root cause of the evil. The root cause of the evil is elsewhere and requires greater consideration. I support this measure not on the ground that it is going to bring about communal concord—not at all ; perhaps, as my friend, Lala Lajpat Rai, mentioned, it may lead to further discord if it is abused. If the Executive Government is suspected of bias towards one community or another then it is likely to embitter feelings still further between the communities. That is why the careful exercise by the Local Government of the power entrusted to it under this measure requires consideration.

Sir, I do consider there has been a departure from the language of section 153A in enacting this clause. The language of section 153A is not reproduced although the object is apparently the same. The language of section 153A is not reproduced in this clause because the language here is somewhat wider. It requires to be carefully examined before you can give your consent to this measure. The Honourable the Home Member will notice that the language of section 153A is " promote or attempt to promote feelings of enmity or hatred between different classes ", whereas here the wording is " or any matter calculated or likely to promote feelings of enmity or hatred between different classes of His Majesty's subjects ". There is a wider scope given thereby. What is the necessity

for such wider language is a matter which must be examined by a Select Committee alone ; and

the other suggestion that I made whether a clause should not be introduced in the Bill making the Act endure for two years or three years as the Select Committee may decide, is also a matter for the consideration of the Select Committee. I have no doubt in my mind, Sir, that this is a measure which must be passed in this Session of the Legislature. Even if some prolongation of the Session were needed, I for my part would be quite prepared to stay on and see that this Bill becomes law in a modified form. Therefore, Sir, the shortness of the Session need not deter us from giving our support to this motion for reference to a Select Committee. After all, Sir, the Select Committee can report by the day after to-morrow, and we can meet on Saturday and pass this measure. Even if some prolongation of the Session were needed, I do not see why this Session should not be prolonged. Simply because the Executive Government have made up their minds that this Session should close on the 2nd September, should it close if the interests of the country require that the Legislature should sit longer ? Therefore, Sir, I think that the matter

[Diwan Bahadur T. Rangachariar.]

should be considered and passed in this Session. I for one would suggest for the earnest consideration of the Government that it will not be wise or politic on their part to rush through this measure without referring it to a Select Committee. This matter has to be examined carefully by the Select Committee and additional safeguards have to be introduced. The language is too wide, and I do want the Select Committee to consider this very carefully, and they can do it in two or three hours. I therefore support the motion of my friend Mr. K. C. Roy for whose opinions on this matter I have got the greatest respect, and I do hope that my suggestion will commend itself to the House.

Sir, I have only one suggestion to make. My Honourable friend Mr. K. C. Roy would, I am sure, accept this suggestion of mine, and it is this. I should like to add the name of Sir Sivaswamy Aiyer to the Select Committee, and I hope the House will accept it.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I am afraid some of the Honourable Members who have spoken this morning have tried to anticipate the debate on the Resolution that was moved yesterday by my Honourable friend Maulvi Muhammad Yakub and which was adjourned for further consideration till the 1st of September, because I feel that this little Bill does not give sufficient justification for covering the entire communal problem as some Honourable Members have attempted to do. When my Honourable friend Mr. Townsend was speaking this morning, I was really wondering as to whether his tale of woes, the woes of the district officer, had any relevancy at all to the present Bill. For instance, the present Bill is not expected to help him in his difficulties in the matter of making nominations to the District Boards. However, Sir, I hope that in the further discussion of this Bill we shall be able to keep ourselves strictly within the limits of the present measure.

Sir, the Honourable the Home Member has not carried out his promise of placing at least the relevant portions of the opinions of the Local Governments.....

The Honourable Sir Alexander Muddiman : I will explain to the Honourable Member why I have not done it. If he wishes me to do so, I will in my final speech. I did not desire, as the Honourable Member apparently does, to revive communal tension, but I will do it if I am challenged.

Mr. K. C. Neogy : It is rather difficult to follow the Honourable the Home Member from this distance. I have no desire to rake up communal matters. But all the same I would insist on the Honourable the Home Member giving us at least those observations made by the Provincial Governments which may have a direct bearing on the necessity of this measure. However, Sir,.....

The Honourable Sir Alexander Muddiman : If the Honourable Member asks for it, he shall have it.

Mr. K. C. Neogy : If the Honourable the Home Member thinks that it would not be proper to discuss the matter across the floor of this House, that certainly is a very great reason for supporting the motion moved by my Honourable friend Mr. K. C. Roy, because the Select Committee

would then be in a position to know the exact situation and come to a considered conclusion. Sir, I daresay that when the Honourable the Home Member was referring to the fact that the authorities in Calcutta strained every nerve to maintain peace during very troublous times recently, he forgot the fact that, while the riots broke out in Calcutta, the Local Government was nowhere near Calcutta. He further forgot the fact that the head of the Local Government was enjoying the cool breeze of Darjeeling.

The Honourable Sir Alexander Muddiman : How does this arise out of this Bill ?

Mr. K. C. Neogy : It does arise in this way, Sir. Under the proposed amendment to section 99A, you are arming the Local Government with authority to take immediate action in certain emergent circumstances. What I want to point out is this, that when those emergent circumstances arose in Calcutta, the headquarters of the Local Government, the Local Government was nowhere near the scene, so that even if you were to arm the Local Government with this drastic power, there would be absolutely no guarantee that a proper use of the power would be made at the proper time. That is the relevancy of my observation on this point.

Sir, as I was saying, when Calcutta was weltering in blood, the head of the Government of Bengal was enjoying the cool breeze of Darjeeling
.....

The Honourable Sir Alexander Muddiman : How does this arise ?

Mr. K. C. Neogy : Sir, I can quite understand that the Honourable the Home Member feels rather uncomfortable.....

The Honourable Sir Alexander Muddiman : I do not in the least, Sir, feel uncomfortable about that, but in the interests of the debate, I would suggest that the debate must be confined to matters which are really before the House.

Mr. K. C. Neogy : I claim, Sir, that I have some sense of relevancy of the observations which I have made. I do not know whether it is necessary for me to repeat what I have already said. This power is proposed to be given to Local Governments, and my point is that you cannot depend upon the Local Governments being even at its headquarters when an emergency like this arises. That is the relevancy of this point. Anyway, I leave it at that.

The Honourable the Home Member stated that the newspapers have not very much to fear from this Bill, because from the very nature of things preventive action is very difficult to be taken in respect of newspapers. So whatever action could be taken under this section would mainly be directed against pamphlets and leaflets containing mischievous writings. Sir, I do not know why at the same time the Honourable the Home Member referred to the prosecutions in Bengal, prosecutions exclusively of certain newspapers under section 153A of the Indian Penal Code. Well, if that had any relevancy at all, I do not think that the assurance which he held out to the Press that they had not much to fear from this Bill has not got much to commend itself. Sir, I take it that the circumstances in which action under section 99A as now sought to be amended, may be taken will be such as would justify also a prosecution under section 153A, because the language used in this Bill is taken from

[Mr. K. C. Neogy.]

section 153A. Therefore, I take it that the circumstances in which preventive action is taken on this extraordinary power will be similar to the circumstances in which prosecution has been undertaken or may be undertaken. Well, I do not think the Honourable the Home Member will dispute this point. However, Sir, what did the Government of Bengal do? I am entitled to know from him as to when it was that the attention of the Government of Bengal was drawn to the fact that offending articles were being published in the newspapers by the different communities. When was attention first drawn to this fact? Because, I maintain, that the disturbances in Calcutta were in a larger measure due to the fact that they were fomented by injudicious writings in the Press, and I further maintain that, as soon as the riots broke out, leaders, may be of both communities, drew the attention of the authorities to this fact. And when was it that prosecution was actually undertaken in certain cases? Will the Honourable the Home Member ascertain these dates from the Government of Bengal?

The Honourable Sir Alexander Muddiman : I will read out to the Honourable Member the number of prosecutions that were undertaken.

Mr. K. C. Neogy : The number of prosecutions has very little to do with my point. The point is, have the Government of Bengal made sufficient use of the powers that they possess? Have the Government of Bengal made use of section 153A at the proper time? My answer is "No." If they had, then they could arrest the mischief at a much earlier stage. That is my point. I will tell the Honourable the Home Member what a District Magistrate in an affected area, with whom I had a talk, and whose name I do not wish to disclose, said on this point. It was just when the prosecutions of the newspapers were undertaken, that I was having a long discussion with him with regard to the communal situation. He admitted to me that he had seen some offending articles in certain newspapers. I asked why he did not move the higher authorities to take action. He said that he did not think it worth his while to move in the matter, and he thought that they were quite wide awake to the situation, and he regretted that the Government of Bengal had not taken action earlier.

Then, Sir, the Honourable the Home Member says that this measure will be specially directed against leaflets and pamphlets. I myself have seen certain offending leaflets that were in circulation at a very early stage of the troubles in Bengal. I know it is a fact, and I know it will not be denied by the authorities themselves, that some of these pamphlets were actually brought to their notice, copies of them were delivered to them. But has there been a single prosecution in any case? I do not want to insinuate that they were taking sides or anything of the kind. What I say is that in the circumstances it is very difficult to trace the quarter from which these pamphlets were being circulated; and how it is possible, even if you enact this particular measure, how is it possible, for you to discover the source from which the poison is disseminated like this? (*Mr. K. Ahmed :* "The source is the Arya Samaj.") Well, I hope my Honourable friend will desist from making observations of this character, because I have taken great care not to bring in any communal issue on this question; and I do hope that my Honourable

friends will put aside communal issues as much as they can. The existence of the evil is admitted, the only question is what are we going to do to combat the evil? Is the present measure a suitable measure for the purpose? I am not going to apportion blame on this occasion to anybody—(*The Honourable Sir Alexander Muddiman*: “Except to the Government.”) Exactly. Yes, when they have offended against the dictates of ordinary prudence and ordinary humanity, as they have in Bengal. (*Mr. B. Das*: “Government have no humanity.”) I know that the Government of Bengal are not beyond misusing or abusing their extraordinary powers in matters in which they feel interested. Sir, I should be very loth to make any concessions to that Government and agree to any petulant demand for further powers. I want to be satisfied, as I began by saying, that the Government of Bengal have made full use of the powers they possess, before I can be a party to an extraordinary measure like this. That is the reason why I am prepared to support Mr. Roy’s amendment, because in the Select Committee we will be in a better position to know what the Government have done, and whether they deserve further assistance in this matter.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadian Rural): Sir, I do not propose to go into the details of the things which have happened or are happening to-day. It is enough for me to know that something very bad is happening, very bad for the country, very bad for me, and very bad for the Government as well. I love my country; and I am sure my “Trustees” also love it—it may be for different reasons—but the fact is there that we all love our country, and I think it is our duty to stop this communal tension at once. I am prepared to go to any length and to sanction any punishment for anyone of any community provided the offence is proved in a court of law. I am even prepared to sanction for serious communal offences the punishment of hanging. But I am afraid that the Bill presented by the Government will be absolutely useless. It will certainly disaffect the people still more. The Government will be still more unpopular among the people. Will it be possible to find out which press and when and at what time is composing or printing or publishing certain pamphlets which are offending against the law? (*Mr. W. M. Hussanally*: “There is the C. I. D.”) Yes, there is the C. I. D., as my friend says. Half a dozen people of the C. I. D. will have to be allotted to every press to search it from morning till evening. How would you know whether it is going for printing at 6 o’clock in the morning or 4 o’clock in the afternoon? It will virtually mean that you will have to allot a certain number of men, educated or uneducated (it does not matter to the bureaucracy so long as they can get hold of all the papers in the press), take them to a Magistrate, who will only see them at leisure. But what is to become of the paper in the meantime which is to come out the next morning? Will the District Magistrate find it possible to go through all the papers at once? Or does the Government mean to appoint a censor for every press? I am afraid I cannot support a measure like this, a measure which is not likely to do any good but only create more disaffection amongst the people.

As for the reasons of the communal riots and communal tensions, the reasons are many and I think the Government ought to go into the reasons and remedy the evils thereof. In my opinion the chief reason among many others is not the communal representation but the communal electorates. The communal electorates in my opinion should be

[Pandit Shamlal Nehru.]

done away with at once. I do not object to communal representation but only because the Muhammadans want separate representation.....

Maulvi Muhammad Yakub : Sir, is this relevant to the point at issue ?

Mr. President : Order, order.

Pandit Shamlal Nehru : I have no objection to give it to them. But why have separate electorates ? If there are separate electorates, Muhammadan or Hindu we generally go to our electorates on a communal basis. Supposing nobody knows me : I am a nobody in politics, I want to come to the Assembly, I go to my electorate, whether I am a Muhammadan or Hindu. Unless I call the other community names and damn them before my electorate, I have absolutely no chance of being elected. (*Raja Ghazanfar Ali Khan :* " You are absolutely wrong ") I am absolutely correct and my friends know it. I have been told so by my friends and have personal knowledge of it. (*Mr. K. Ahmed :* " What about the Cattle Bill ? ") My friend Mr. Kabeer-ud-Din must say something or other, whether it is relevant, irrelevant, wise or otherwise. So I will not take notice of his interruptions in future. I would suggest to the Government to withdraw this Bill to-day and take it up another day—to-morrow or the day after or any other day. And let them have very drastic penalties for communal offences but *after* conviction, and I will support it with the greatest pleasure.

Raja Gazanfar Ali Khan (North Punjab : Muhammadan) : Sir, I must confess that it does not give one happiness to support a measure of this nature. I also admit that the things which are going on now in the country have assumed such alarming proportions that probably the Government have been forced to come forward with this measure. It is on this account that I congratulate the Honourable the Home Member for bringing in this Bill. My only grief is that he did not think of it earlier, because I am sure that, if this measure were passed earlier and if it had been properly administered, things would have been in a very different state to what they are at present. As he himself remarked in his speech when introducing this Bill, the unfortunate happenings at Kohat were mainly due to the circulation of a pamphlet which was very obnoxious in its contents. I am very sorry that he did not then think of coming out with this piece of legislation. I must admit that this House is not the proper place to discuss communal matters and to find out means of putting an end to them. There are only two agencies in existence in the country which can deal with communal questions ; one is the leaders and the other is the agency of the Government. The leaders have tried their best. I must say that they have left no stone unturned in trying to bring about a compromise, at least those leaders who are true well-wishers of the country and who are really anxious to get Swaraj. But they have failed in their efforts not because of any fault of the masses, but, in my opinion, because there was selfish rivalry for leadership, trying to throw out one party from power and trying to establish their own supremacy. These are the men who have always stood in the way of a settlement of the communal differences. Anyhow, Sir, the fact remains that the leaders have failed in spite of trying very hard to bring about a settlement. The only other agency left, whether we trust it or not, is the Government. Therefore, I think, if we realize that this communal tension must be stopped

immediately, we should, if not actively support the Government in adopting methods which they think necessary and reasonable for putting an end to these riots, at least watch quietly and give them an opportunity, for a short time at least, to try their methods and means and see if they can bring about better results. I concede, Sir, that these various religious and political questions can be permanently solved only by the leaders of both communities. If I support this measure it is merely due to the fact that in my opinion, if the proposed law is well administered, it will produce that calm atmosphere which is necessary before the leaders sit together and try to find out some means of a final settlement of various questions.

Sir, there has been a proposal that this Bill should be circulated for public opinion. I do not think that will serve any useful purpose. As was remarked by my Honourable friend Colonel Crawford, now is the most suitable time when this Bill should be enacted into law. On account of the coming election so many different parties have come into existence in the country and some parties, though under different names, are really communal parties. I know that they have got nothing in their policy and many individual members of those parties have got nothing in their past political careers which could persuade the electors to trust them and to send them to the legislative bodies as their representatives. Therefore, the only course left open to them is to play on the religious feelings and sentiments of one community or the other. The result will be that most of the election speeches, manifestoes, and various articles in the papers, would generally be of an inflammatory nature. I think it is very necessary that the Government should devise some means to stop that. Sir, the only political group of any importance in the country and which always took a comparatively fair view of communal matters was the Swaraj Party. But efforts are being made to overthrow that party and my information is that some of the most responsible men who were in great agreement and love with the principles of that party have resigned from it for the only reason....

Mr. President : Order, order. These observations are not at all relevant to the motion before the House.

Raja Ghazanfar Ali Khan : All I wanted to make out was that this was the time for the application of this remedy when the elections are approaching fast. (*Lala Lajpat Rai* : "Why not join that party.") Sir, it is not because I do not agree with their policy on communal matters that I do not want to join or remain in the Swaraj Party. It is on different grounds. Sir, my Honourable friend Mr. Neogy was complaining about the Bengal Government. I would also submit that the laws which are already in existence are quite sufficient if they are rigidly acted upon by some of the officers who are entrusted with the duty of administering these regulations. If they would only realize that such laws, under these abnormal circumstances, are very rigidly enforced I am sure that some of these communal riots could have been avoided. With your permission, Sir, I will just make a passing remark about that unfortunate happening at Rawalpindi only recently. This is a place situated within my constituency. I think that the trouble may not have happened at Rawalpindi if the local authorities had shown more courage. In October 1925 the Punjab Government issued instructions to the District Magistrates that no religious procession should be taken out without a

[Raja Ghazanfar Ali Khan.]

license. I think there is a section in the Police Act to that effect. One community at Rawalpindi passed a resolution that they would defy this order and take out a procession in defiance of the order, without getting a license, and they actually did take out a procession. The authorities did not take any notice. After two months they took out another procession in defiance of that order, yet the authorities did not take any action. This naturally encouraged those people and again for the third time they took out another procession, and there was a riot. I do not want to say which community was responsible for the riot. But in any case, if the law had been enforced rigidly, I am sure the trouble would not have happened at Rawalpindi. So, there will be no use in passing this Bill unless the authorities make up their minds to act upon it very rigidly and honestly.

Allegations have been made to-day that the Honourable the Home Member is taking undue advantage of his official majority to press this Bill. But I am sure it will not be with the help of the official majority but with the help of the non-official majority that this Bill will be passed. We all realize, that every Act can be misused and it is quite possible that some local officials might make a wrong use of this Act too. But for matter of that, they can misuse any section they like and this should not stop us from passing a measure which we think is really a sound one.

My Honourable friend Pandit Shamlal Nehru made a remark that communal electorates are to a great extent responsible for this trouble. I do not want to go into details, but I simply want to assure him that his information is entirely wrong. So far as my province and community are concerned, we are not standing for election on any communal party ticket.

Sir, another statement was made, and I think it was by my Honourable friend, Lala Lajpat Rai, who said that these things are only of a transitory nature, and that after 1929 they will end. I absolutely agree with him so far as this particular remark is concerned, because my conviction is that there is a certain group of politicians who think that these separate electorates must go at any cost, and so probably it will make their case very strong, for the Royal Commission of 1929 if during the preceding four or five years there have been riots all over the country, because they can very well try to attribute it to these separate electorates.

With these remarks, Sir, I strongly support this Resolution. I have got no objection to the amendment which has been moved by the Honourable Mr. K. C. Roy that the Bill be referred to a Select Committee, provided there is no obstacle in the way of the report of the Select Committee coming up before this House at once. If there is any likelihood or possibility of the Bill's thus being postponed to the next Session of the Assembly, I would strongly oppose that amendment as well, because I know that a Select Committee is not very necessary. Even a layman like myself can understand that those people who would create communal troubles or write such pamphlets should be prosecuted and the pamphlets confiscated. I do not see what useful purpose would be served by a Select Committee, but if the Select Committee has power to make some change which would restrict the continuance of this section to some period, I will certainly support that amendment, otherwise I do not think any other useful purpose would be served by referring it to a Select Committee.

Khan Bahadur A. Rahman (Bengal : Nominated Official) : Sir, I can assure the House that automatic as we are described to be by the Leader

of the Independent Party sitting serene and unruffled in the Bench opposite we do not rise up to support the Home Member on each and every occasion and in support of every proposition put forward by him ; but it is only when palpably unfair and ungenerous criticisms are made against very sound and reasonable proposals that we rise up to support the Honourable the Home Member.

Sir, in rising to support the amendment in the present Act it is not my intention to repeat those reasons which are given in the Statement of Objects and Reasons, but to confine myself to my personal experience of the Calcutta riots which perhaps necessitated this urgent legislation on the lines indicated by the Home Member.

Sir, it is very difficult for Members coming from provinces far away from the scene of communal riots and unaffected by communal horrors and sitting in the serene heights of the summer resort of the Imperial Government to appreciate the urgency for such legislation ; but to us who passed sleepless nights and undergone anxieties for weeks and months together, the matter is most serious. To us the part played by the circulation of thousands and thousands of most mischievous and inflammatory pamphlets, exciting the worst elements in both communities, and working up to frenzy the unfortunate creatures who committed all sorts of horrors in the name of religion, was a serious matter. Can you imagine, Sir, that within 300 yards of the Bengal Secretariat murders were committed in broad daylight and with impunity, and that between the 2nd and 12th April as many as 44 persons were killed and 584 injured, while between the 22nd April and 9th May 62 persons were killed and 359 persons injured ? Can you think for a moment without a shudder that Hindus during the height of the riots cut the throats of the Mussalmans simply because they had Moslem dress on, and *vice versa*, and would you believe that two Hindus were murderously assaulted by Hindus themselves because they had long beards ? Can communal frenzy go further ? Sir, I know that the Calcutta police arrested a person who was distributing thousands of leaflets urging the Hindus to beat, stab and murder all Mussalmans wherever caught. But fortunately for the man there was an accident in which two motor lorries came into collision and in the motor the man escaped. And during these Calcutta riots I can assure you that thousands of such leaflets were distributed broadcast throughout the town and were sent to the mofussil by post.

Sir, I can reasonably ask the House, are not Government justified in taking drastic measures to remedy all evils that contribute to encourage such a perversity of the human mind ? Sir, it must be a curious manifestation of preverse mentality indeed to see apparitions of evil genius in every act of Government and to attempt to throw obstacles in the way of every sound and reasonable proposition of Government to legislate where legislation is urgently required for the peace and tranquillity of the country and for the safety of law-abiding citizens. Coming back to the amendment itself what do we find ? It is a simple amendment of Section 99A, giving Government power to confiscate newspapers tending to incite communal hatred. I ask, is it an arbitrary power we want to give to the Government without any remedy to the aggrieved person ? Certainly not. It is provided in Section 99C that every application of an aggrieved person shall be determined by a Special Bench of the High Court composed of three Judges, and the person can bring his grievances to the notice of the High Court and get

[Khan Bahadur A. Rahman.]

proper remedy. Nothing, Sir, will satisfy a certain section of our people, and they will try to delay matters which are urgently required to nip in the bud any cause that might increase communal tension. It has been said, Sir, that Section 153A of the Penal Code is sufficient for the purpose, but may I ask whether this section can catch those strange persons who distribute leaflets inciting people to commit horrible outrages? Certainly I do not think any legal authority would say that it can, and besides it is not possible to trace the authors of those leaflets. Naturally enough Government are bound to search suspicious places where these leaflets are printed, as has been done in Calcutta, and in the course of those searches leaflets inciting people to commit all sorts of outrages on members of the other community have been found; but I am afraid Government were not able to deal with those leaflets or their authors. It is therefore necessary that a special section should be enacted giving full power to the Government to seize such mischievous and inflammatory articles and leaflets, so that they cannot reach the masses and cause mischief as they have already done in Calcutta. Sir, it has been said by Sir Hari Singh Gour that the Calcutta and other riots were a passing phase of communal tension, but with due respect for his opinion, I think it is not a passing phase, but it has come to stay. Members of the House are well aware of the extent to which communal feeling is running high among members of both communities and, unless all possible steps be taken to strengthen the hands of the Executive, the result may be disastrous. It has been also said that this Bill interferes with the liberty of the people. I do not know what the Honourable Member who said so means by the liberty of the people. Is it the liberty of the few, or the liberty of the millions, millions of law-abiding citizens who look up to Government for protection? Then there is a proposal that the Bill should be circulated before it is taken into consideration. That means that the Bill should be shelved for six months at least, and until the election is over, which is just the contingency for which the Government seek to provide themselves by enacting special laws to prevent further riots. There is a further amendment that the Bill should be referred to a Select Committee of eight persons. I do not know what magic eight members in Select Committee have which will do away with the necessity of circulating the Bill before final consideration as proposed by Sir Hari Singh Gour. Mr. Roy said it could be finished in two hours. If it could be finished in two hours, probably the Government would have accepted it without further opposition. Then, Sir, my benevolent friend Lala Lajpat Rai deplored religious quarrels in Calcutta and other places and shed crocodile tears a thousand miles away from the scenes of occurrence. It would have been much better if he and other leaders of the community had extended their helping hands and tried their level best to prevent the riots and to induce members of their community to cease excesses and outrages; but I am sorry to say nothing was done. It is rather an easy matter to deplore such occurrences; it is quite another matter when questions of actual interference come in. Sir, Mr. Roy inquired whose incompetence was responsible for these riots....

Mr. B. Das (Orissa Divisions : Non-Muhammadan) : Your incompetence the Government's incompetence.

Khan Bahadur A. Rahman : It is my incompetence and your incompetence too. The members of your community have failed to do anything. So I do not think it is the Government's incompetence ; it is principally the incompetence of the leaders of the Hindu and Muhammadan communities. Sir, this is an emergency Bill and it should be enacted without further reference to a Select Committee and without circulating it.

Lieut.-Colonel H. A. J. Gidney (Nominated : Anglo-Indians) : Sir, if I rise at this late hour to take part in this debate, it is because I think that the situation to-day is so serious and a remedy is so vitally necessary, that I think it is the duty of every community and of its representatives in this House to offer its support to the Government.

I stand here as representative of a small community, one that is prepared to offer its entire support to the Bill. My Honourable friend Lala Lajpat Rai has just said a lot about the efforts that the leaders have made to arrive at an amicable settlement on this problem. I was invited to the Unity Conference held in Delhi and as it were occupied the position of one of the small pawns in the game of political chess that was being played by the various communities towards Peace and I will tell you what I saw. I saw two of the leading players, Lala Lajpat Rai and Mr. Jinnah—Mr. Gandhi was the umpire. On Lala Lajpat Rai's shoulders had fallen the mantle of Ranjit Singh and on Mr. Jinnah, had fallen the mantle of Aurangzeb. These two were playing this political game of chess, one holding the Queen piece and the other the King piece ; and instead of trying to mate with each other they did their very utmost to checkmate each other. The Conference, I am sorry to say, ended in an absolute fiasco.

Now this communal dispute can be settled either by the people or by the Government. If the people fail, it is certainly the duty of Government to settle it if they can. I do not, as does my Honourable friend who hails from the land of oranges, Sir Hari Singh Gour, view the situation as a passing phase. If Dr. Gour had come down to Calcutta instead of sitting in Nagpur, he would have found what the real position during the riots was. I wish he had spent a night in Calcutta during the riots. I do not think he would then have talked about this as a passing phase. Sir, the points to settle are these : Does communal tension exist to-day ? No one can deny that. Are seditious and inflammatory pamphlets being circulated ? All agree they are. Is it a passing phase ? Every one denies it is, but our friend, Sir Hari Singh Gour. Is it harming the country ? It is certainly harming it. Have the Government got sufficient power in the Criminal Procedure Code to stop it ? Government say they have not. Our friends on the opposite side say the present law is adequate to deal with these offenders—Mr. Neogy introduced a personal element affecting the Bengal Government in his speech and I think he was very wrong in doing so. It was absolutely unmerited. Should this condition be stopped ? No one can deny that it should be stopped and we all want it stopped. The next point to decide is how can it be stopped. Is this additional legislation urgent ? Every one admits it is. Can we postpone it till the next Assembly sits ? No one desires this to be done. It therefore is apparent that the whole House is in agreement that some legislation should be introduced and that it should be introduced this session. There is however an amendment moved by my Honourable friend, Mr. K. C. Roy, that it should be sent

[Lieut.-Colonel H. A. J. Gidney.]

to a Select Committee for certain alterations and further consideration. Sir, I think the Honourable the Home Member is as solicitous for the peace and welfare of India as anybody on the opposite benches ; and I think if there were a chance of modifying this Bill to suit the wishes of the other Members without weakening its powers and so obtaining the unanimous approval of this House for this measure, and if time permitted this being passed this Session : moreover, I think he would readily acquiesce to the wishes of Honourable Members who have appealed to him. I hope the Home Member will reply to this question as to whether it is possible to refer this Bill to a Select Committee, which I understand could reconsider the matter within a couple of hours and present it for our consideration and deliberation within the present Session. If such is possible I do not think any one would refuse to lend his support to the amendment of Mr. K. C. Roy. But I certainly can not lend support to any amendment that would curtail the powers of this Bill as it is presented to us to-day, because I consider the position is so acute and the dangers ahead so great that we should not curtail the powers of the Executive rather we should enhance them. Sir, I look upon the present political condition in India to-day with this lamentable communal tension as a very serious one and it affects my community also for this is my country as much as it is that of any Honourable Member on the other side. I, therefore, as a humble Member, representing about a quarter million of my people wish to state here and now before this Honourable House that the greatest harm this communal tension has done for my country is that it has put back the hand of the reform clock about twenty or thirty years, and it is up to us to cry a halt at once and to stop this ruinous activity. Government have brought in this Bill to stop it, and it will be your fault and India's loss if you refuse to accept it and have peace. Refuse it and have murder and blood-shed and lose Swaraj. What is your choice,, my Hindu and Muhammadan friends ? I, therefore, Sir, support the amendment to this Bill if it is possible to pass it unshorn of its present power in this Session ; otherwise I wholeheartedly support the Bill that we have before us now.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : Sir, I wish to say a word or two in support of the principle of this Bill. The object of this Bill is merely to implement the policy which underlies section 153-A of the Penal Code. That section strikes at all attempts to promote enmity and hatred between different classes of His Majesty's subjects. The object of this measure is to take preventive action and prevent the diffusion of any literature which is calculated to produce the effects which are dealt with in section 153-A. I am therefore in favour of the principle of the Bill.

Two objections have been urged against the Bill, one, that it is unnecessary and that in this matter we ought to leave it to the communities concerned to come to a reconciliation among themselves, and another, that the powers are liable to be abused. With regard to the view that the matter should be left to the action of the communities concerned I am sorry that our past experience does not justify a very optimistic view. Several conferences have been held and they have all failed to bear any fruit. I have no objection to any amount of pious efforts for the purpose

of bringing about this much-desired object of re-conciliation between the communities. I have no objection to prayers or good wishes and I do not in fact deprecate any attempts made by the communities concerned to bring about an adjustment of differences and a better state of feeling between them. But at the same time I am one of those who have no objection to trust in God but prefer to keep their powder dry and ready for use. In fact my complaint against the Government is that they have failed to make an adequate use of the powers with which the law has vested them. If the Government had made an adequate and prompt use of the powers conferred upon them under section 153-A, I imagine it would have been possible for them to nip much of the evil in the bud. Now, whatever might have been the attitude of the Government in the past, let us hope that they are now fully alive to the dangers of inaction and that they will take measures for the purpose of preventing a continuance of this state of things and that they will make a prompt, vigorous and impartial use of the powers with which the law has vested them. I approve of the principle of the Bill inasmuch as it is merely intended to carry out further the objects which have already been provided for in the substantive law as enacted in section 153-A of the Indian Penal Code.

Now, Sir, with regard to the objection that the powers may be liable to abuse, we have to remember that the exercise of this power is not left entirely to the sweet will and pleasure of the Executive uncontrolled by any judicial authority. Under section 99-B of the Criminal Procedure Code any order of forfeiture passed under section 99 can be revised by the High Court, and I see no reason why we should distrust our High Courts. At the same time I agree with my friend, Diwan Bahadur Rangachariar in thinking that the language of this Bill is somewhat too widely expressed and that it requires some revision. I therefore support the amendment which has been moved by my friend, Mr. K. C. Roy for the appointment of a Select Committee. I believe that any defects which may now be found in the language of the Bill may be remedied on reference to a Select Committee and that any safeguards which may be considered to be necessary may be introduced in the Bill. For instance I will just mention one possible use of the provisions which might occur. Let us suppose there is a book published—say an encyclopaedia or something of the kind—and let us suppose that in some one volume of that encyclopaedia there is some remark or passage which may be considered likely to offend the feelings of a particular community and therefore promote ill-will. Surely it would be a very absurd exercise and an extravagant exercise of the power to order that all copies of the book itself, the entire book, to be confiscated. It may be possible to separate the objectionable passage from other passages and to forfeit only the offending portions. Some kind of discretion ought to be left to the magistrate and to the executive authorities to discriminate between the offending matter and the matter which is not open to objection. That is one possible abuse which occurred to me, as likely to arise under the application of the provisions of this Bill. It might be quite possible to suggest other defects in the Bill against which it may be necessary to provide some sort of safeguard. One such defect has been pointed out by my friend, Diwan Bahadur Rangachariar, namely that the language of the Bill is somewhat different from that used in the case of section 153-A. However, all these defects are of a minor character and are quite capable of being remedied in

[Sir P. S. Sivaswamy Aiyer.]

Select Committee. I therefore heartily support the proposal for a reference to Select Committee.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions :

4 P.M.

Non-Muhammadan Rural) : Sir, I have no hesitation in saying that all criticisms of the action of the Honourable the Home Member in introducing this Bill at this stage on the ground of the thinness of the House, etc., are not quite relevant to the discussion. I believe the Honourable the Home Member has been prompted by the best of motives and that is to try to seek one more means of preventing the spread of literature which is inflammatory. I believe also that the Honourable Member has not the least intention of taking advantage of the thinness of this House to pass this Bill. I am sure that the consideration which has weighed with him is that this Assembly will be dissolved in a few days and that there will not be another meeting of the Assembly for the next few months and that the matter is of such importance that he has thought it right to bring forward this Bill to-day. I am entirely at one with him in his desire to push this Bill through in this Session. Neither do I agree with the criticism that the failure of leaders, such as they are, has anything to do with this Bill. The leaders have failed, I regret to say—in my opinion, they have failed miserably. I think they have failed in coming forward to address the members of the communities to which they belong and pointing out their mistakes and their folly, failed in condemning unequivocally the action of the members of their communities when they have been to blame. If we leaders on both sides had done our duty fearlessly and courageously in this direction, I believe that much of the misery which has been borne by innocent people would have been avoided. We have not had the courage to go and address the Muhammadans and the Hindus at mass meetings to point out their mistakes. We may come here and make speeches expressing our fervent desire that this communal discord should cease ; but we have not discharged one of the most responsible duties which we owe to our own people, the Government and the country. But that also is not relevant to the discussion on the Bill now before us. The fact that the Government have failed to do their duty, or rather that certain officers of Government have failed to do their duty, is also not relevant. It is undoubtedly the case that in certain places Government officers have failed to take note of the situation and to take prompt and impartial action. I believe that in some places where these riots broke out, if the authorities on the spot had taken prompt decisions, and taken action which the situation demanded, the misery and suffering caused would have been much more limited than they have been. In many places too owing to the pusillanimity of officers or owing to their not being able to come to a correct decision, much avoidable misery has resulted. At the same time I must bear testimony to the fact that the great bulk of officers, Indian and European, have done their duty well and honourably. If they had not done their duty well and honourably there would have been more suffering and more trouble. But that also is not relevant to the discussion. The fact that the Local Government has failed is also, I submit, not relevant. It has been said that communal dissensions were partly promoted by communal electorates. I agree they have done so ; but it need not have been so. The violent outburst of communal feeling is not

the direct result of the communal electorates though it has been partly due to them ; and the solution of the question of joint or communal electorates need not be the first condition of our putting an end to communal outbursts. This is a matter of law and order, of the maintenance of law and order in simple style in which every civilised Government maintains it, in which this Government has maintained it for a long time past all over the country, in which it maintains it now over a great extent of the country, and in which it should maintain it all over the land. But there is no doubt that the tension produced by communal electorates has contributed to the extent of the outburst and is no doubt partly responsible for it. The thing to be done on the part of those who wish to be regarded as leaders or are believed to be the leaders of the people and on the part of the officers of Government was to take prompt and firm action to prevent or promptly suppress these outbursts.

Now, Sir, what is relevant to the discussion is whether pamphlets are published, leaflets are published, which inflame the minds of the people of one community against those of another. Have such pamphlets been published ? I am sorry to say they have been published and they have been published by men of both communities. Reference has been made to a pamphlet published in Kohat, but probably those who spoke on the subject did not remember that the first pamphlet to be published was published by a member of the other community. The pamphlet to which they have referred was published in reply to the other pamphlet. I think my Honourable friend opposite will bear me out.

Sir Denys Bray (Foreign Secretary) : Not in Kohat.

Pandit Madan Mohan Malaviya : It was circulated in Kohat. Now, Sir, in Calcutta also pamphlets or leaflets were published on both sides which were very objectionable. There were attacks made by members of one community on those of the other and they were replied to. The whole thing was most deplorable. These pamphlets to my belief contributed in no small measure to keep up the communal feeling in Calcutta. I went to Calcutta 20 days after the riots had broken out. I was there several days and saw the miserable condition in which people were living. Innocent Hindus and Muhammadans walking in the streets hacked to pieces, and the great bulk of the citizens of Calcutta sitting quiet and enjoying their leisure and their meals and their sleep. I did see that condition of things. Happily subsequently attempts were made and a joint appeal was issued by some members of both communities to condemn the excesses committed by the men of their own communities, but unfortunately those attempts had been delayed too long. I do think that if those pamphlets had been got hold of at the earliest stage and their circulation stopped, quite possibly and even probably much misery would have been avoided in the case of men of both communities. I believe that such pamphlets have done harm, and everybody will agree that if they come into existence their circulation should be stopped.

Now the law does not give power to the Government to confiscate these pamphlets as the law does give the Government power to confiscate pamphlets which contain seditious matter. Section 153-A of the Indian Penal Code provides that :

“ Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of Her Majesty's subjects, shall be punished with imprisonment which may extend to two years or with fine or with both ”.

[Pandit Madan Mohan Malaviya.]

This is the operative section which provides for punishment for any attempt to promote feelings of enmity or hatred between different classes of His Majesty's subjects. Section 108 of the Criminal Procedure Code permits a Magistrate to bind over a man to be of good behaviour if he disseminates or attempts to disseminate or in any wise abets the dissemination of any seditious matter or any matter the publication of which is punishable under section 153-A of the Indian Penal Code. It does not say anything about the confiscation of the publications which may contain inflammatory appeals. Section 99-A says :

"Where any newspaper or book as defined in the Press and Registration of Books Act, 1867, or any document, wherever printed, appears to the Local Government to contain any seditious matter, that is to say, any matter the publication of which is punishable under section 124-A of the Indian Penal Code, the Local Government may, by notification in the local official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to His Majesty, and thereupon any police officer may seize the same, wherever found in British India", etc., etc

This does not refer to section 153-A, and I submit that if any matter is printed which offends against section 153-A there should be some provision in the law like what there is relating to 124-A to empower the Local Government to declare that these papers wherever found shall be forfeited to His Majesty. Now, Sir, it is true that the Local Governments are liable to err in their decisions. It is, unfortunately, too true. But if the circulation of obviously inflammatory literature in times of excitement is to be checked, we have no other remedy. We must trust somebody to do the task, and we must hope that the Local Governments will not err in this matter many times. Section 99-A says :

"Where, (a) any newspaper, or book as defined in the Press and Registration of Books Act, 1867, or (b) any document, wherever printed "

So the first guarantee you have is that the objectionable matter must be printed before it can be the subject of any notice under the proposed Bill. The second point is that it is the duty of the Local Government which is given the power under section 99-A by notification in the local official Gazette to declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to His Majesty to state the grounds of its opinion in the notification. It is true unfortunately that some times the Local Governments, for the time being it may be, accept the opinion of the District Magistrates without sufficient examination, and do not exercise all the discretion that the law expects them to exercise. But the law does expect that they should exercise their discretion properly, and if a Local Government does so, it has to state the grounds of its opinion upon which it should declare that a certain matter offends against the provisions of section 153-A, and I submit that there is a safeguard in that provision against mistakes. No doubt, we have to remember that Governments, as individuals, do sometimes err, but I submit there is a safeguard in the provision that the Local Government must state the grounds of its opinions upon which it declares that a certain matter has offended against the provisions of section 153-A. Then, as my Honourable friend Sir Sivaswamy Aiyer has pointed out, there is also a safeguard against a wrong order in the provision for a revision of the order by the High Court. All these no doubt are circumstances

which should minimise our apprehensions regarding the abuse of the power which the Bill proposes to give to Local Governments.

But I submit, Sir, that there is also need for a great deal of caution in dealing with this Bill. While I am entirely in favour of the principle of this Bill, I do think, Sir, that in view of the importance of this measure, it should receive much greater consideration than it has yet received. I recognise that it is somewhat unfortunate that owing to the exigencies of the situation the Honourable the Home Member wants to push this Bill through in this Session of the Assembly. But I am certain that the Honourable the Home Member will agree that there is time enough to refer it to a Select Committee, so that the Members of the Select Committee may know, and through them, if necessary, the House may also know, what opinions have been expressed by the Local Governments. I do not want to provoke the Honourable the Home Member into publishing those opinions to this House, if his better judgment tells him not to do so. But I do think that those opinions should be laid before the Select Committee, and if after those opinions have been considered by the Select Committee, the Honourable the Home Member and the other Members of the Select Committee agree that those opinions should be laid before the House, I do not see why those opinions should not be made accessible to Members of the Assembly so as to remove the suspicions which exist in the minds of some Honourable Members and also to enable them to consider the Bill in its proper light. I submit, therefore, Sir, that the proposal which has been made to refer the Bill to a Select Committee before passing it in this Session, should commend itself to the Government. Now, Sir, I shall point out some of the causes which have led to these misgivings. In addition to those to which I have referred, I would refer to the blunders which Local Governments sometimes make,—I could mention a number of blunders which Local Governments have made at one time or another, but I will confine myself to some of the blunders which have been made by more than one Local Government during the last five years which they should not have made. In some cases, some of the Local Governments committed these blunders in clear disregard of the provisions of the law, and were responsible for depriving many of our fellow subjects of the liberty which they should have enjoyed. I do not wish to take up the time of the House over it. I refer to this only to show that the apprehensions which exist in the minds of some Honourable Members who are opposed to this Bill being passed during this Session are not groundless. I refer to this merely to show that Local Governments who are to be armed with this fresh power and who are to take action under the new act, have after deliberation failed and failed very regrettably in the application of section 144 in the Punjab, in the United Provinces, in Bengal and in some other provinces as well. During the last five years this section has been misapplied, times out of number, and men have been unjustly deprived of their liberty, because the Local Governments did not study the law properly, and because unfortunately many of my friends of the non-co-operation party did not care to defend themselves against the improper encroachments so made upon their liberty. It is undesirable that the Local Governments have failed to take a correct view of some provisions of the law and have misapplied them, but in my opinion that does not furnish a reason for refusing support to the Bill which is needed in times of excitement to enable the authorities to stop

[Pandit Madan Mohan Malaviya.]

the circulation of matter of an inflammable character which in the interests of society and good Government ought not to be allowed to circulate. But while I say so, I yet submit that there is reason for the apprehensions which have been expressed by my friends who have opposed the Bill and I hope nobody will make light of these apprehensions. I hope everybody will recognise that mistakes have been committed by the Local Governments in the past, and that that justifies the apprehension that the provisions of the proposed law might be abused in some cases. And in this connection I wish particularly to draw attention by the language of the last portion of section 99-A (1) which furnishes grounds for that apprehension. It says that when the Local Government has declared any copy of the newspaper containing such matter and every copy of such book or other document be forfeited to His Majesty :

“ Thereupon any police officer may seize the same, whenever found in British India, and any Magistrate may by warrant authorise any police officer not below the rank of a sub-inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be.”

Now, Sir, it is a matter for regret that at the present moment there is a great deal of communal feeling between Hindus and Muhammadans in this country. We are ashamed of that fact. But it is a fact which we have to take note of. I ask the Honourable the Home Member to consider what the situation will be when a declaration has been made by a Local Government that a certain book or pamphlet has been forfeited to His Majesty. Any Magistrate may authorise by warrant any police officer not below the rank of a Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected. Unfortunately, in these days of communal tension, even a Member of this Assembly is capable of making an unjust accusation against an association quite as respectable as any other association. In these days of communal tension, therefore, it is unfortunately likely that some Sub-Inspectors may make a search for condemned documents in places where in normal times they would not think it their duty to do so ; but they may be prompted by communal considerations to make searches in the houses of persons with whom they may not be friendly. Therefore, this measure is likely to cause a great deal of hardship. The apprehension that the power of search is likely to be abused, is therefore not ill-founded and this is a matter to which I should like to invite the particular attention of the Honourable the Home Member. It is a thing which requires looking into and to be provided against. I am not prepared at present to suggest what should be the safeguard to be provided against it. The Government must employ the police officers, and it must ask these police officers to go and make a search if the law is to be enforced, but I do want to draw the attention of the Honourable the Home Member and also of the House to the fact that, in view of the communal tension which unfortunately exists at present, this matter requires to be considered carefully, and that some real safeguard should be provided to prevent any abuse of this power, without which it is likely to do great mischief.

But there is one suggestion I should like to make. The Local Government have to be empowered to declare that a certain printed matter is to be forfeited to His Majesty.

Without any disrespect to any Local Government, may I suggest to the Home Member and the House to consider whether an advisory board of three persons may not be constituted to advise the Local Government when a printed matter of the description under consideration has to be dealt with ? I do not wish to go into the details, I merely throw out a suggestion to guard against a mistake being committed under this section. I can not think at present of any better course than having three gentlemen to assist the authority which has to come to a conclusion, which has to make a recommendation to the Local Government as to whether a pamphlet or publication is one which should be taken notice of. There is a tendency among some officers who are solicitous of maintaining law and order of being unnecessarily meddling at times. They may be very zealous officers, very capable officers, but they are unnecessarily meddling at times, as Lord Macaulay pointed out in discussing section 144 read with 188. I submit, Sir, that we have to guard against their mistakes and no other suggestion occurs to me than this that there might be a committee constituted of an advisory character in order to judge whether the language of a pamphlet is such that it should be taken notice of and proceeded against or whether it is a case in which the attention of the publisher might be drawn to the matter and he may be asked not to publish it again in its existing form. That is one suggestion I make. And, Sir, I again draw the attention of the House to the great necessity of having this Bill examined in Select Committee. It might be said: here we are, the whole House is giving its mind and its time to a consideration of this Bill; what more can be obtained in a Select Committee ? But we know the value of a Select Committee. We know that members will come prepared and equipped, may be by the Home Department, with facts that will help them in coming to a conclusion, and I submit that if the Bill goes to a Select Committee it is likely to come out improved. Even if it does not come out improved, I expect that Members of the House will feel greater satisfaction when the Bill has been examined and the misgivings which obtain at present will probably partially or entirely disappear. And we will be able to vote on the Bill with clearer minds than we are able to do at present. I therefore support the proposal of Mr. Roy that the Bill be referred to a Select Committee.

***Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, I have no desire to cast any kind of censure on the Government, the Local Governments, the Hindu community or the Muhammadan community. I am concerned with one thing alone and that is this Bill; and on examining this Bill the first question that I have got to ask myself is this. Are the Government at the present moment justified in presenting this Bill to this House or not ? On that point I myself was inclined to believe that the Government are justified, but after listening to the speeches of my Honourable colleagues, and particularly the speech of my friend Pandit Madan Mohan Malaviya, I am convinced that the mischief does exist; on that question I do not think there can be two opinions in this House now. Well, if that is so, are we or are we not going to eradicate this evil ? Are not the Government then justified in coming to this House with this Bill ? My Honourable friend, Pandit Madan Mohan Malaviya, accepted the principle of this Bill. Now, he pleaded, having accepted the principle of the Bill, for a Select Committee. Sir, I find that the justification

*Speech not corrected by the Honourable Member.

[Mr. M. A. Jinnah.]

for this Bill is the grave crisis that has arisen, but I think even the Government will not go as far as to say that the crisis which has arisen is going to be with us permanently. If that is so, are we going to put this measure on the Statute-book permanently? I think my Honourable friend the Home Member will admit that this is a power which is an extraordinary power, an unusual power, and there are other interests which have got to be taken into consideration. And that is the liberty and freedom of the Press, and printing and publishing your opinions. That is a matter which ought not to be ignored. Now, are you going to put this Bill permanently on the Statute-book? Well, Sir, I have given thought to it and I appeal to this House not to allow the Government, however much they may be scared by the crisis which faces us, to take away from this House the power of enacting it into a Statute permanently. Therefore, I should say that this Statute should be enforced for a limited period. That would be my first point if ever I get to the stage of moving an amendment. But, apart from that, the second point is that the definition which is adopted here, is, I submit, much too wide. And it is a clear departure from the terms of section 99-A which defines seditious matter. You will find in the Act that seditious matter is defined as matter punishable under section 124-A. The object the Home Member has is to deal with the matter which would come under section 153-A. Instead of confining himself to that definition of section 153-A, the words which we are asked now to accept are as follows :

“ After the words ‘ seditious matter ’ the words ‘ or any matter calculated or likely to promote feelings of enmity or hatred between different classes of His Majesty’s subjects ’ shall be inserted.”

Well, now, these words, let me tell you, are very wide and it will be impossible, I fancy, for the High Court to deal with any application for revision and come to a different conclusion from the decision of the Local Government if you have these words. You will at once negative the right which is given under the Criminal Procedure Code to go to the High Courts. It will become useless. Therefore, these are the two matters about which I am very anxious, namely, that we must carefully define the matter which it is intended to confiscate or forfeit and the Statute should be enforced for a limited period. It is for these two reasons that I appeal to the Home Member to allow this Bill to go to a Select Committee. These two matters cannot take a very long time. I think—and I think the House will agree with me—that, if your Select Committee sat to-morrow for a few hours, two hours or three at the most, these two matters could be discussed and thrashed out. (*Mr. K. Ahmed* : “ Why don’t you do it to-night ? ”) I am prepared to do it to-night if the Honourable Member will persuade the Home Member. But I do ask the Government not to carry this Bill because they happen unfortunately to have a majority in this House to-day. I know that the responsibility is ours, because many of the elected Members who ought to be here in their seats are not. As responsible men they ought to realize what is happening every day and what is being passed every day because of the weakness of the unofficial opposition. It is to be regretted. Here is a very important measure. We have got to consider that once you pass this Statute it is going to operate throughout the country and it is a very serious matter indeed to place these powers in the hands of an executive which must necessarily work with all the defects to which all executives are subject, and perhaps ours the worst because it is not

responsible to anybody. I therefore really do appeal to the Home Member not to be intoxicated with his power of the majority in this House and to take a sober view and not press this Bill upon us, when he knows perfectly well that he can defeat us at any time he likes in the absence of the other non-officials.

Mr. T. G. Jones (United Provinces : European) : I have listened with great attention to Honourable Members who have opposed this measure and in spite of the length of those speeches I only find one point which deserves attention and that is that they complain that the liberty of the Press is being curbed. Now Sir, liberty is a very fine thing in the abstract, but if that liberty is abused we must curb that liberty. If a man goes dashing down the street waving a large stick and threatening everybody, none of us will object if the police arrest him and curb his liberty. We have to curb the liberty of our criminals, and, Sir, I maintain that the Press that has published some of the articles that have been published is criminal and its liberties must be curtailed. Sir, I cannot understand the mentality of some men who howl and squeal when there is a riot and when the Government bring in a measure asking for powers to deal with this Poisonous Press and for power to prevent riots, they turn round and say, "You are taking away our liberty". Now you cannot have it both ways. You cannot have security and also unbridled liberty. You must curb your criminals and stop criminal incitement to riots. Several Honourable Members have remarked that communal tension is temporary. I am afraid I do not agree with that. Communal antagonism is deep rooted in the history of this land. Ever since I have been in this country, 25 years, I have noticed that the executive officials, as festivals come round, have with the greatest care and with the greatest tact handled the different communities who come together in antagonism on those occasions. They have handled them with the greatest skill, with tact and with firmness. Within the last four or five years we have had political agitation, and I am afraid that there are some Honourable Members in this House who by levelling irresponsible criticism at the Government over matters of this kind have made the communal tension as acute as it has now become. It is absolutely necessary now that we should give the Government every power possible to deal with it. I hope, therefore, that Honourable Members will vote for this measure and not criticise it any more. It is all very well to say that the powers are too wide. I think that the Government require wide powers, for I am very much afraid that acute communal tension is not only for this year or for two years; it may possibly last for five or ten years. The House always has it in its power to repeal this Act if communal tension comes to an end. But that is a matter of slow development. After all how long did it take Great Britain to overcome the tension between the Roman Catholics and the Protestants? Several centuries, and it is only within the last hundred years that every disability of the Roman Catholics has been removed. There will never be a complete removal of communal tension in India until the majority learn to tolerate the minority and to give them fair play. Therefore, Sir, in the meanwhile we have to adopt measures such as the Government have put before us, and I trust that Honourable Members will not level further criticisms at a very simple measure like this, which is undoubtedly necessary and which nearly everybody has admitted is necessary. As to the motions for delaying it, I do not see the necessity for them. The Government should have the greatest powers possible and I do not see what you are going to gain by delaying. I therefore hope that this House will vote for this measure now.

Mr. K. Ahmed : Sir, at the fag-end of the day I rise to take part in the debate. I have considered the matter fully in its pros and cons, firstly, because it has been discussed and threshed out by my Honourable friend Pandit Madan Mohan Malaviya who has brushed away all the arguments advanced by the previous speakers on this Bill. He has, Sir, brushed away many of the important arguments of the other side. I see my friend the Lalaji sitting there, and I see my friend the redoubtable Member from Bengal, Mr. Neogy, who has been abusing the Local Government. The sum and substance of it is that my friend the Panditji from Benares wants that further consideration should be given to the Bill. He says that there is time enough to consider it. His first point is, Sir, that the Sub-Inspector of Police, who may be either a Hindu or a Muhammadan, may abuse the power contemplated in the Bill and such power should not be handed over by this Assembly because the Sub-Inspector might recklessly go and arrest persons. (*An Honourable Member* : "Not arrest.") Well, he may seize and confiscate the subject matter, namely the objectionable publication, that is under discussion, and enter into a house and then do all those harmful things already stated. But my friend Pandit Madan Mohan Malaviya has forgotten a little bit, namely, that before the warrant is issued and is handed over for execution to the Sub-Inspector in charge of the police station, the District Magistrate has got to go into the matter, before he orders the issue of the search warrant ; and the District Magistrate after all is not a layman. He is probably as much a lawyer as many of us here.

These magistrates, Sir, are the local magistrates of the place. They know the people and the local conditions and are quite aware of the fact of what sort of newspapers there are in the place where they are. I suppose they are the best judges, and therefore, it is not necessary at all, according to what Panditji has said, that the Bill should be considered in Select Committee. The Panditji has said that the leaders have failed, and yet I find the same leaders going to be members of the proposed Select Committee. They are going as members of that Select Committee to settle matters which they could not settle for the last two or three years. My Honourable friend, Lala Lajpat Rai, who could not do anything at all and even refused to preside over a meeting of leaders at Delhi on the 28th February 1924, has been sitting over it for the last two years. Is there any chance from him, though we are obliged to him for the trouble he has taken to come and occupy his seat here to-day? No doubt his mind has been changed a great deal, but what is the good? He is stepping into a Select Committee for the purpose of probably acting in conformity with the principle that he has adopted already in the matter of settlement. How can we expect that this matter will be settled in this way?

The Panditji said that he wanted three persons to form an advisory board to advise. These three persons, as the Panditji said, will settle the matter when so many leaders have failed ; but who those three persons are, I do not know, who will be advising in the matter as to how these search warrants should be issued and what sort of things should be seized. Mr. Jinnah asked if this Bill is going to be passed for 2 years or to be passed for many years to come? He continued saying that we are not going to subscribe and help the Government if it is going to be passed for many years, and the attitude of the Home Member is bad and that he is intoxicated ; that is what my friend Mr. Jinnah said. Well, Sir, I do not

see any sense at all in the argument of my Honourable friend from Bombay when he says that we are not going to pass legislation which is going to be permanent. My answer is, is he going to guarantee that the tension of feeling, the ill-feeling between the Hindus and the Muhammadans is not going to last longer than a couple of years? Is it a transitory period for which the Bill is going to be passed? Is there anybody who can tell the Government, "Look here, the Hindus and Muhammadans are going to settle their differences within this period and you had better pass this legislation for that period only?" There is no knowing. On the contrary, the matter is so urgent that it must be thrashed out to-night. If it is put off, Panditji and Mr. Jinnah said the elections will probably be over in next November, and I think I heard one of the important speakers in this House say that after the elections are over probably the tension will be better. These leaders want to establish their leadership over the country and this has brought about all the difficulties. The life of no man is safe in the town of Calcutta, which is the premier city in India, in spite of the fact that we have got Fort William full of soldiers. And in spite of having all this force near us, the people are not frightened, because these leaders who want to form the Committee to-day, will not decide the matter to-day or to-morrow, and will also not decide it until the elections are over. How will these leaders serve the poor people of the country? It is they who are fomenting difficulties in this country and on account of this, the Government got tired. None of us should think of rivalry but of how to remove the difficulties in the country, and that being so, we who represent the constituencies of these poor people, whose lives and whose property are at stake, should join together and put an end to these difficulties. We should hand over the power to the Government and the Honourable the Home Member, and we should arrest these people for the safety of the poor and innocent. Many people have been killed in the town of Calcutta within my knowledge and within my eyesight. I saw an innocent gharrywallah or coachman, not educated, not properly clad, not properly fed, who was ruthlessly killed. That is the position. We cannot wait any longer. We ought in a body to support the Bill and the Government in this matter, and the sooner we do it the better both for the people and the country.

The Honourable Sir Alexander Muddiman : Sir, when I listened to the debate in this House yesterday I was extremely hopeful that I should have been able to address a House united on the main point of the necessity of the action contemplated by this Bill. I have been charged with making an appeal to the feelings of the House this morning—I admit it. I wanted to give the House a chance of showing that it is in earnest in the desire which it frequently expresses to help to stop these communal troubles. I acknowledge that there are two schools of thought in the House, but I had hoped that there would be only one opinion and that there would not be any discordant note in the general desire to meet these difficulties, or to try to meet them at any rate in a fair and open spirit. I find, however, that that is not so, and I will not again exhaust myself in attempting to make any appeal to the emotions of the House. I will endeavour, as far as I can, clearly and logically to put before the House the position as I see it, and it will be for the House to act, and as the House acts so it will be judged.

The first speech to which I will make allusion is that of Mr. Das. Mr. Das a few days ago was good enough to suggest that the main factor

[Sir Alexander Muddiman.]

in these communal troubles, or one of the main factors, was the Government who deliberately fostered them. It has been a matter of great satisfaction to me that no other Member has repeated that accusation, and I hope the House will at any rate definitely express its feelings on that. Mr. Das naturally holding those views would oppose any action on the part of Government calculated to help the situation, and I think that is sufficient for Mr. Das.

The next speech to which I will refer is, that of Sir Hari Singh Gour. I must say I should have expected it from him that he would have stated the effect of the Bill correctly. He however made two misstatements of law in his anxiety to oppose this measure. One was that he attributed powers to the police which are vested in fact in the Local Governments. The next misstatement he made was that he stated that this Bill was re-enacting the worst features of the Press Act.

Now, Sir, that is either an intentional misstatement of the law or a misapprehension of the Bill. I leave it to the House to decide which it was. When Bills are being opposed, it really does not strengthen the case for or against the Bill to misstate the position.

Sir Hari Singh Gour : I rise to a point of order. I never made the statement that this Bill is intended to reproduce the worst features of the Press Act. What I did say, and repeat, is that this Bill incorporates some of the noxious provisions of the Press Act.

The Honourable Sir Alexander Muddiman : The House heard Sir Hari Singh Gour and will judge between us.

I will now turn to another of the same school of thought who sees no necessity for this legislation and is opposed to it. I will deal with my Honourable friend Mr. Neogy, who made a very bitter attack on the Government of Bengal. He charged me with not having read passages from the Local Governments' letters which I promised and he said generally that the Bill was unnecessary and useless, if I heard him rightly.....

Mr. K. C. Neogy : I did not say that. What I said was that I am not satisfied that the Government of Bengal, or any other Local Government for that matter, has made sufficient use of the powers they already possess, and I am not prepared to accept the Bill unless I am satisfied that they have exhausted their resources.

The Honourable Sir Alexander Muddiman : I will accept that from my Honourable friend. In other words he charges the Local Government with general negligence and says there has been no case made out to legislate. With regard to the question of necessity for legislation, I will deal shortly ; for the moment I will confine myself to deal with the point about the Local Governments. The Government of Bengal wrote as follows :

" As has been pointed out by the Government of India, it is at present open to the Governor in Council either to institute proceedings under section 108 of the Criminal Procedure Code or to prosecute offenders under section 153A of the Indian Penal Code. Both of these courses have been freely followed with the object of checking the flood of inflammatory matter poured out by the Calcutta press since the beginning of the recent disturbances. A list of the proceedings instituted and their results is attached to this letter. It shows that the proceedings have been successful in the sense that the courts have in no case held that the writings complained of did not bring the persons

complained against within the provisions of the law under which action was taken. But they failed in achieving their object, which was immediately to check the output of inflammatory matter."

And they cite a number of very violent passages which I am not going to read to the House because I do not think it is in the best interests of the public that they should be read to the House.

The Government of the Punjab write as follows :

"It is difficult to classify, in order of mischief, the various agencies now in use for the promotion of communal excitement or the embitterment of sectional feelings. At times speeches at meetings or in religious institutions appear to be doing the greatest harm ; on other occasions a booklet or pamphlet will cause wide resentment and a desire for active retaliation."

They then go on to point out the difficulties in regard to section 153A in so far as that section is said to be a check. They point to a well known prosecution in which an attack was made on a personage who was greatly revered by one community. As a result of it a prosecution was instituted. What was the result ? The defence endeavoured to prove their case by selecting passages from books which were greatly revered by one community. The trial went on for a long period, much evidence was admitted by the magistrate, with the result, as the Punjab Government say, that "his Court became for some months the scene of a bitter religious controversy which was fully reported in the newspapers, and which had the worst possible effect on the state of communal feeling in the City". That shows to what extent prosecution sometimes fails as a remedy. You prosecute under 153A and the mere fact that you prosecute causes the trouble to go on. By the very action you take to put a stop to it you really provoke worse communal feeling than ever. That shows that prosecution under 153A is not always advisable. The Local Governments are charged, as I understood Mr. Neogy, with not using the powers they have got. Here is a case of when Government had with the best of intentions used its powers, which resulted in a state of things that was worse than before the prosecution. Well, Sir, I am happy to say that the bulk of opinion in this House is not on those lines. A large number of Members have said quite definitely that they support the principle of the Bill. One or two Members have clearly shown that they are very earnest in their desire to support Government in all reasonable measures to deal with this evil. Sir, what is the principle of the Bill ? The principle of the Bill is this, that as section 124A is implemented by section 99A, so section 153A should be implemented by an addition to that section. That is the sole principle of the Bill ; there is no other. If you water that principle down, there is nothing left to the Bill and it will be useless for me to proceed. I should be entirely lacking in frankness to this House if I told them that the passage of this minor Bill will have any great effect on the communal situation. I will be frank with the House when I say I do not think it grapples even with the whole of the difficulties created by the existing law. It is a step which this House should take and take at once. It is a step in which I suggest they should support Government without the slightest hesitation, but it is not a complete solution to the legal and other difficulties to which the communal situation has given rise. Now I take it that the general sense of the House is against the proposal for circulation, and I therefore do not propose to waste much breath in dealing with that. Obviously if you circulate, you stop the passage of this Bill till the next Assembly is constituted, and that is a delay which, with the excep-

[Sir Alexander Muddiman.]

tion of Dr. Gour, I think no one in the House wishes to contemplate. So we may pass from that. The next proposal, and one that I find more difficulty in dealing with, especially as it comes from quarters which command and rightly command, the attention of anybody speaking from the Government Benches, is that this Bill should go to Select Committee. Now, as I have said, the principle of this Bill is to implement 153A. As 99A implements 124A, so the Bill I have brought before the House implements 153A. If you accept that as the principle of the Bill, I fail to see what there is to go to Select Committee on.

Two points remain. I will deal with them *seriatim*. The first point was this, that the Bill should be only a temporary measure. Now, Sir, I must tell the House quite frankly that I do not bring forward this Bill as a temporary measure, I bring it forward to stop a definite leak in the law, and a leak the existence of which has contributed very seriously to the communal trouble that has arisen. The lack of this power has had a cumulative effect. Lacking power to search for matter of the kind described in the Bill has led to the circulation of a great deal of that matter, and in consequence thereof the communal situation has definitely and progressively deteriorated. Now even if the communal situation improves, as I hope and trust it may, though no one in this House has given me any very great hope of any immediate improvement, there always will be the danger that on the next occasion when two communities are at loggerheads—there are many communities in India—unless you have this power, the law will be defective in that you cannot take the necessary precautionary measures which are in my judgment, and I trust in the judgment of this House, essential for controlling the issue of these abominable pamphlets and the like. That's my view on the question whether the Bill should be temporary. That is not a matter for the Select Committee; it is a question of principle and, as far as I am concerned, I do not bring this Bill in as a purely temporary Bill; I bring it in as a permanent measure to stop a defect in the law. I should not be fair with the House if I let this Bill go to a Select Committee with the idea that I, on behalf of the Government, could accept any amendment which would limit the period of duration of the Bill. Therefore, from that point of view there is no point whatever in the Bill going to Select Committee.

The next point made was one that had a certain amount of apparent substance.

I think the first speaker who drew attention to the point was my

5 P.M.

Honourable friend the Diwan Bahadur, but other Members have certainly mentioned the same point. It is said that clause 2 as it is worded differs in some respects from the wording of section 153-A. Now if Honourable Members will examine the matter more closely, they will see there is nothing in that because it would be impossible, in view of the drafting of 99-A, to incorporate in exactly the same terms the words of section 153-A. The matter is fully cleared from doubt by the second clause in section 2, clause (b), which does actually draw in section 153-A and incorporate by reference the words of that section in the Bill. There is, therefore, nothing in that point, certainly nothing which would justify a reference to Select Committee.

Then it is said, "Why are you so stubborn about this? Even if it is not necessary why not meet us? I ask the House to believe that I am not one of those who would invoke the Government majority to check what I thought was a reasonable and proper desire on the part of this House to have a Select Committee. My record in this respect can leave no doubt on this point. I have frequently acceded to the wishes of the House in this kind of matter. Nor can I be charged with acting differently because it so happens I may or may not be in a majority at the moment. In these matters I do what I consider to be my duty. If I was single and had no vote to support me, I should bring in this Bill and insist on the House considering it, though I might be well aware that it would be thrown out on the first reading. It is not a question of political tactics. I do not bring in this Bill to inflict a defeat or from any motive of that kind. I bring it in because in my judgment it is a very necessary and urgent Bill and, therefore, in dealing with this question of reference to Select Committee I do want the House to believe that I do not oppose it out of any desire to use the power that I have or may have; I oppose it on the ground that it is unnecessary and undesirable. As I have said, I could not on behalf of Government accept the limitation of the term of the Bill and therefore that ground for reference to Select Committee fails. And as I pointed out, the language of the Bill is not open to the objection which has been brought against it. Moreover, neither of those points is really a Select Committee point, because they can be better dealt with by an amendment being brought on the floor of the House.

Now, Sir, the time has come for this House to take a decision definitely on whether they will take this Bill into consideration or whether they will refer it to Select Committee or whether they will circulate it. The decision is one of very considerable importance. It is a decision which must be taken now if it is to have any effect. I hoped this debate might have a great effect on the general communal situation. It is therefore most desirable that this House should be reasonably unanimous on the subject. I am well aware of the appeals being made to me from very influential quarters of the House to have a Select Committee and I dislike exceedingly to appear to be unreasonable and to refuse a request of that kind. May I in my turn ask those gentlemen, after hearing the reasons why in this particular case I am reluctantly opposing a reference to Select Committee, to consider whether they cannot meet me on this occasion and instead of terrifying me with their minority oblige me with their majority and withdraw the motion for reference to Select Committee.

Pandit Madan Mohan Malaviya : May I ask the Honourable the Home Member what would be the loss to Government if the Bill is referred to a Select Committee and taken up on the last day of the Session?

The Honourable Sir Alexander Muddiman : I have already explained in my speech the difficulties I have in regard to a Select Committee. I am not going to Select Committee to deceive this House. I ask the House to approve of the principle of the Bill which I have brought in. This Bill implements section 153A in the same way as section 99A implements section 124A. That is the principle and the only principle of the Bill and it would not be frank to the House to say that I

[Sir Alexander Muddiman.]

would go and sit in a Select Committee with a proposition that the Bill should be made temporary when I am, as I have already told the House, completely opposed to that course.

Pandit Madan Mohan Malaviya : If I may once again ask my Honourable friend, with the expression of opinion which he has made regarding the limitation of the Bill to a time, what objection have the Government to giving a little time to the Members of this House to have the matter examined in a Select Committee. In his own experience has he found that often enough a Bill was not improved by reference to a Select Committee, and would it not be some satisfaction to the House if their request was acceded to by the Honourable Member on this occasion ?

The Honourable Sir Alexander Muddiman : I would have had very great pleasure in acceding to such a request which comes, as I know, from influential quarters of the House if I felt it right to do so. But I am afraid I cannot. I have explained my reasons and I cannot be cross-examined on them. It is for the House now to decide.

Mr. K. C. Roy : On a point of order, Sir. Might I ask the Honourable the Home Member if he would agree to postponement of the debate to-day, so that Mr. Jinnah and myself might put our heads together ?

The Honourable Sir Alexander Muddiman : As regards taking the formal discussion of clauses, I am prepared to do that if the Honourable Member is prepared to withdraw his motion for reference to Select Committee.

Mr. K. C. Roy : I am in the hands of the House. I have no objection whatever to withdraw the motion if the House will allow me.

Mr. President : Does the Honourable Member ask leave to withdraw his motion ?

Mr. K. C. Roy : I leave it to you, Sir.

Mr. M. A. Jinnah : Do I understand, Sir, that the Honourable the Home Member does not agree to allow us to move an amendment unless we withdraw the motion for reference to Select Committee ?

Mr. President : It is not for the Honourable Member to decide whether an amendment shall be allowed. It is within the competence of the Chair to allow amendments without notice to be moved.

Mr. M. A. Jinnah : I am fully alive to that fact but objection might be raised by any Member.

Mr. President : Even then the final decision rests with the Chair.

Mr. M. A. Jinnah : In that case, if that is your ruling I want the House to be divided on the motion for a Select Committee.

Mr. President : The original question was :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, be taken into consideration.”

Since which the following amendment has been moved :

“ That the Bill be circulated for the purpose of eliciting opinions thereon.”

The question I have is that that amendment be made.

The motion was negatived.

Mr. President : Further amendment moved :

“ That the Bill be referred to a Select Committee consisting of the Honourable Sir Alexander Muddiman, Mr. L. Graham, Mr. M. A. Jinnah, Lala Lajpat Rai, Mr. K. C.

Neogy, Mr. Dumasia, Colonel Crawford and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

To which the following amendment has been moved, namely :

"That the name of Sir P. S. Sivaswamy Aiyer be added to the Select Committee."

The question is :

"That the name of Sir P. S. Sivaswamy Aiyer be added to the Select Committee."

The motion was adopted.

Mr. President : The question is :

"That the Bill be referred to a Select Committee consisting of the Honourable Sir Alexander Muddiman, Mr. J. Graham, Mr. M. A. Jinnah, Lala Lajpat Rai, Mr. K. C. Neogy, Mr. N. M. Dumasia, Colonel Crawford, Sir Sivaswamy Aiyer and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The Assembly divided :

AYES—25.

Aiyangar, Mr. K. Rama.
Aiyer, Sir P. S. Sivaswamy.
Badi-uz-Zaman, Maulvi.
Baptista, Mr. J.
Chanda, Mr. Kamini Kumar.
Das, Mr. B.
Datta, Dr. S. K.
Dumasia, Mr. N. M.
Ghazanfar Ali Khan, Raja.
Ghose, Mr. S. C.
Gour, Sir Hari Singh.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.

Kasturbhai Lalbhai, Mr.
Lajpat Rai, Lala.
Lohokare, Dr. K. G.
Malaviya, Pandit Krishna Kant.
Mutalik, Sardar V. N.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Rangachariar, Diwan Bahadur T.
Roy, Mr. K. C.
Venkatapatiraju, Mr. B.
Vishindas, Mr. Harchandrai.
Yakub, Maulvi Muhammad.

NOES—50.

Abdul Quiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Alimuzzaman Chowdhry, Khan Bahadur.
Allison, Mr. F. W.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Clow, Mr. A. G.
Coatman, Mr. J.
Crawford, Colonel J. D.
Dakil, Sardar B. A.
Donovan, Mr. J. T.
Dyer, Mr. J. F.
Ghulam Bari, Khan Bahadur.
Gidney, Lieut.-Colonel H. A. J.
Graham, Mr. L.
Haig, Mr. H. G.
Hezlett, Mr. J.
Hira Singh Brar, Sardar Bahadur Captain.
Hudson, Mr. W. F.
Hussanally, Khan Bahadur W. M.
Hyder, Dr. L. K.
Innes, The Honourable Sir Charles.
Ismail Khan, Mr.

Jones, Mr. T. G.
Lindsay, Sir Darey.
Macphail, The Rev. Dr. E. M.
Makan, Khan Sahib M. E.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Norton, Mr. E. L.
Owens, Lieut.-Col. F. C.
Paddison, Sir George.
Parsons, Mr. A. A. L.
Rahman, Khan Bahadur A.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Raj Narain, Rai Bahadur.
Rau, Mr. B. R.
Reddi, Mr. K. Venkataramana.
Roffey, Mr. E. S.
Roy, Sir Ganen.
Sastri, Diwan Bahadur C. V. V.
Sheepshanks, Mr. J.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Townsend, Mr. C. A. H.
Willson, Sir Walter.

The motion was negatived.

Mr. B. Venkatapatiraju : Sir, may I suggest that the further consideration of this Bill be taken up to-morrow, as it is already late, and as we have to make several amendments to the Bill ?

Mr. President : I am entirely in the hands of the House. I am perfectly prepared to sit late and finish the Bill if there is a general desire on the part of Honourable Members to do so. I see there is a desire on the part of non-official Members that I should adjourn now in order to enable them to give notice of amendments. I do not know if the Government have any objection.

The Honourable Sir Alexander Muddiman : I have no objection to that ; but I would like the motion for consideration put to the House and passed now.

Mr. President : The question is :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, be taken into consideration.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 26th August, 1926.

LEGISLATIVE ASSEMBLY.

Thursday, 26th August, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

STATEMENT OF BUSINESS.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, with your permission I desire to make a statement about the probable course of business during the next week. Monday, the 30th, is a gazetted Hindu holiday and there will be no meeting on that day. On Tuesday, the 31st, motions will be made to take into consideration and, if that motion is passed, to pass the following Bills which have been passed by the Council of State and laid on the table in this House :

1. A Bill further to amend the Indian Evidence Act, 1872, for a certain purpose ;
2. A Bill further to amend the Administrator General's Act, 1913 ;
3. A Bill further to amend the Indian Companies Act, 1913, for a certain purpose ;
4. A Bill to supplement the Sind Courts Act, 1926 ;
5. A Bill further to amend the Cantonments Act, 1924, for certain purposes ; and
6. A Bill further to amend the Indian Limitation Act, 1908, for certain purposes.

It is also proposed on that day to bring forward for the vote of the House certain Supplementary Demands for Grants.

Wednesday, the 1st September, as Honourable Members are aware, has been allotted for non-official Resolutions.

Mr. Harchandrai Vishindas (Sind : Non-Muhammadian) : What is the business on the 2nd, Sir ?

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : Is there a meeting on the 2nd ?

The Honourable Sir Alexander Muddiman : There is at present no business for the 2nd.

THE CODE OF CRIMINAL PROCEDURE (THIRD AMENDMENT) BILL.

Mr. President : The House will now proceed to consider the Code of Criminal Procedure (Third Amendment) Bill, clause by clause.

The question is :

“ That clause 2 do stand part of the Bill.”

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammedan Urban) : Sir, with your permission, I beg to propose a verbal amendment to clause 2 in order to bring the language into conformity with the intention of the Government in bringing in this clause. The object of the Government is to bring in offences under section 153A, also within the scope of the power under section 99A of the Criminal Procedure Code. But by adopting the language which has been adopted, as I stated yesterday, it might be construed as extending the scope and therefore I propose :

" That in clause 2 (a) for the words 'calculated or likely' the words 'which promotes or is intended' be substituted "

This is adopting the actual language of section 153A, and therefore it is not open to objection. Sir, I move the motion.

The Honourable Sir Alexander Muddiman : Sir, we have no desire whatever to extend the scope beyond that which my Honourable friend has stated, and I am quite prepared to accept his amendment.

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clauses 3, 4 and 5 were added to the Bill.

Mr. President : The question is :

" That clause 1 do stand part of the Bill."

Diwan Bahadur T. Rangachariar : Sir, with your permission, I beg to move :

" That section 1 be re-numbered section 1 (1) and to that section be added the following sub-section, namely :

' (2) It shall remain in force for two years.' "

Sir, I commend this motion for the acceptance of the House for several reasons. In the first place, Honourable Members will remember that section 153A has been on the Statute-book from the year 1898 onwards. But for the unfortunate tendencies of the last few months, no necessity was felt, so far as I can gather, for any extraordinary provision of this sort. Although section 153A has been in existence there have been a few cases which came to Court notably in the Punjab. There have been very few cases indeed under section 153A. It must be said to the credit of all the communities and classes in this country that they have been getting on amicably so long. But it is only in the last few months that bitterness has been roused and we are also able to say that one of the main causes of that bitterness is the publication of literature coming under section 153A; and that is why we feel the necessity for enacting this measure. I indulge in the hope, Sir—and I hope Honourable Members of this House on both sides share with me that hope—that this is merely a passing phase. At any rate, it is better that we convey the impression to the public that we think it is a passing phase; we wish it were a passing phase; we are making earnest attempts to make it a passing phase; let us make the public believe it is a passing phase. This will be a psychological way of appealing to the communities concerned. We, the Legislature, have confidence. Let us show by our act that we have confidence in the good sense of the communities concerned and therefore we are passing merely a temporary measure,

because we consider it is a passing phase. Why not use that to have a psychological effect on the minds of the public? Every little thing goes to soothe the feelings. If really a permanent measure were needed, we are here; we are not disappearing; the Legislature will always be there to arm the hands of the Executive whenever they are satisfied that the necessity exists, as we are doing to-day. The Executive Government have been able to satisfy us to-day that this measure is needed, and, notwithstanding the disappointing reply of the Honourable the Home Member yesterday, I feel satisfied that the Legislature will always rise to the occasion. If at all there are people who do not rise to the occasion, we have to look to the other Benches. These Benches always recognised their responsibility, Sir. Only we wish the Government recognised their responsibility to an equal degree and to an equal extent. Sir, I do appeal to the Government. Nothing is lost by acceding to public wishes in this matter. This will be in force for two years. It would have a good effect on the minds of the public and it will be satisfying non-official public opinion. You are not incurring any risk or danger. If really these unfortunate things should continue, then it will be time enough to come to the Legislature and say, "Here, you made it two years; unfortunately, things are going on in the same way. Our attempts have failed to promote concord and therefore the Executive should be further armed". Then it will be wise to consider such a measure. Sir, I do consider, as I stated the other day speaking on Maulvi Muhammad Yakub's motion, that we must make very earnest attempts to remove the root cause of the evil. Now, these things are merely palliative remedies, merely arming the Executive with extraordinary power, and again, being an extraordinary power, that is the reason why we should make it merely a temporary measure.

The Executive do not like, I hope, to be armed with these extraordinary powers. I do not suppose they have got a craving for such extraordinary powers. On the other hand, they should promote conditions in the country which would not require the arming of the Executive with such extraordinary powers. Therefore, if an extraordinary power is deemed necessary, it should be temporary. Having regard to the fact that we have got on without these extraordinary powers for over 25 years, notwithstanding the existence of section 153A, that in itself is a strong argument in my favour that we should not make it a permanent disfiguring feature of the Statute-book, for, after all, all these extraordinary powers are disfiguring features in the Statute-book. That is the view I take and that is the view I ask this House to take. Being a necessary evil, let us not prolong it longer than is necessary to meet the situation. I, therefore, commend this motion for the acceptance of the House and I ask the Government once more seriously to consider this question and not merely to flout it away. Sir, I do not know why the Honourable the Home Member complained yesterday about the reception which this Bill has received at the hands of the House. We have given it a good reception, a considerate reception, which it deserves. We have treated this Bill generously and I hope the Honourable the Home Member will rise to the occasion and respond to non-official opinion in this matter. Sir, I move the amendment.

Khan Bahadur W. M. Hussainally (Sind : Muhammadan Rural) : Sir, it gives me great pain to rise to oppose this amendment. Things have

[Khan Bahadur W. M. Hussanally.]

happened during the last few months which we all know and therefore we conceded yesterday that this little addition to the Indian Penal Code is very necessary. So far as the principle of this Bill is concerned, therefore, we have admitted it. The only question which now remains is whether this power should be given to the Government permanently or only for a short time. I was talking to a Swarajist friend of mine only last evening on my way back home and he told me distinctly that it was good that this Bill had been brought forward and that he would be glad if it were passed. He also said that in his part of the country the mischief that has been wrought by this literature was so enormous that it could not be controlled. As far as I could gather from him, he led me to understand that it was the Mussalmans who were suffering more on this account than the members of any other community. Now, Sir, the Honourable Diwan Bahadur T. Rangachariar said that this unpleasantness between the two communities is of recent growth, only extending over a few months. Unfortunately, I cannot agree with him in that view. The Kohat riots took place some time ago, and the Saharanpur riots, the Shahabad riots and several others took place years ago, so that this unpleasantness has been brewing for several years and, if I think rightly, we Mussalmans attribute these unfortunate occurrences to the movements of Shuddhi and Sangathan which have been in existence for several years. The action of the Arya Samajists has also contributed very materially to the unpleasantness between the Hindus and the Mussalmans, which has culminated in these riots all over the country. One does not know how long this unpleasantness will continue. If this Bill is restricted in its action to two years only, there is every likelihood of the Government coming back again and asking for the extension of the period. But my strongest point is this. When you have given power to Government to search for literature in regard to sedition, where is the harm in giving further power also to search for literature of this kind? If we, Hindus and Mussalmans, make up our differences and live peacefully and amicably in the future, as we all hope to live, there will be no occasion to use this power at all and it will remain a dead letter as is the case with the other power with regard to sedition. But I think that the Government ought to be permanently armed with this power so that if at any time in the future disturbances break out between any two communities, leaving aside the Hindus and Mussalmans, they should have a power to use at once without coming to the Legislature once more. For these reasons I oppose the amendment.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, my Honourable Friend Khan Bahadur W. M. Hussanally has quoted an anonymous Swarajist Member in support of his view. I shall quote not an anonymous Swarajist Member but a leading newspaper supported by the entire European community of India, namely, the *Statesman* of the 24th, which in the first leading article describes this unfortunate piece of legislation as panic legislation and panic legislation, it says, is almost invariably bad. There is a leader of two columns which completely and entirely vindicates the protest we made yesterday on behalf of the dumb millions of this country (Laughter) against this panicky legislation. But that stage is now passed. What still remains is to ameliorate the condition of the people by at least placing a pause upon this piece of legislation. Honourable Members on both sides of the House are agreed that the condition of India

at the present moment is abnormal. There is unfortunately communal tension between the two communities and also a great deal of this tension is due to the dissemination of poisonous literature issued from the Press belonging to both communities. But, as we have said, this is only a passing phase of Indian life and, as such, I should have been the first to welcome a special piece of legislation brought *ad hoc* for the purpose of combating the present high tension which it is intended to cope with. The objection that Diwan Bahadur Rangachariar raised—and that objection remains—is that you cannot take advantage of one passing phase of Indian society to strengthen permanently the armoury of the Executive and place on the regular Criminal Procedure Code a power which, we fear, is liable to be abused and might at times be abused to the detriment of the public. One such transient phase gave us the Rowlatt Act. And everybody knows the fortunes of that unfortunate measure. A great deal has been said by Members on both sides of this House of the Kohat trouble, but are the Honourable Members aware that, if there was a trouble, it could have been suppressed by resort to Regulations? I think there is such a thing as Frontier Regulations. I do not know—I speak subject to correction—whether they apply to Kohat or not.

But to place the whole of India in the same position as the outlying districts of the Indian Empire, and to place in the hands of the Executive power which may not always be wisely used is an objection, Sir, which we still feel in our mind remains unsurmounted, and I am glad to find that it is not a view which is shared by the Indian alone, but as I have read one sentence from a long leader in the leading newspaper of Asia, that objection is shared by a very large number of Europeans as well.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Except the officials.

Sir Hari Singh Gour : My friend, Mr. Jinnah, adds “except the officials.” But even if the officials were free to vote I do not know how many of them would not have voted on our side yesterday. To do them justice even officials are fair men. And I still maintain that, if the whip is not applied, and if the Honourable the Home Member leaves it to the free vote of the House to decide this question as to whether this piece of legislation should not come to an end within a period of two years, we should carry this amendment.

Sir, it has been said, and was said by the Honourable the Home Member yesterday, that in introducing this Bill he was trying to supply a leak in the law. Now, Sir, nobody is better aware of the fact than the Honourable the Home Member that when the Press Act of 1910 was repealed in 1922, when this piece of legislation which is now sought to be made was placed on the Statute-book, this very question was considered and the Legislature of the time-being, with the concurrence of the Executive Government, then decided to limit the scope of this section merely to seditious matter, and the reason of it, Sir, was obvious. In 1922 it was observed, and as will be apparent to everybody here to-day, that the Indian Penal Code deals with three essentially cognate offences, sedition, fomenting communal disturbances, and defamation of a person. To use the language of the law, all these three are species of one main offence, defamation. Defamation of the State is sedition; defamation of the class or community is punishable under section 153A; defamation of a person under section 500 of the Indian Penal Code. They are all three

[Sir Hari Singh Gour.]

species of one common offence, namely, defamation. And in 1922, when dealing with this question the Government and ourselves were at one that while it was easy to define what is defamation of the State, it is difficult to bring offenders to justice under that large and vaguely worded section, 153A of the Indian Penal Code, and therefore in 1922, only four years back, after deliberation, the Legislature limited that clause to cases arising under section 124A.

Sir, may I give illustrations to show how section 153A, if too technically constituted, would suppress even the religious preachings of any community. Here is a religious preacher who issues a pamphlet denouncing idolatry and ridiculing the practice of Hindu idolators, which would rightly offend the susceptibilities of orthodox Hindus. I am perfectly certain if section 153A were technically construed, the disseminators of that tract would be laid by the heels under the provisions of that section. And take the contrary case.

An Honourable Member : So much the better.

Sir Hari Singh Gour : Are you not encroaching upon the liberties of the people? Are you not, while professing religious neutrality, suppressing proselytization by the missionaries, by the followers of Islam, by the Arya Samajists? I submit that a purely religious tract denouncing the practice of a religion and ridiculing such practice as obnoxious to common sense would conceivably come within the provisions of section 153A, and it is not difficult to see that the police—my friend the Honourable the Home Member objects to my using the term police, but they are the real workers and they are the people who set the law in motion and obtain the sanction of the Local Government—the police may immediately seize hold of such pamphlets and make a search of the house for the purpose of discovering such pamphlets. I wish to ask, Sir, if searches are made in the houses of the Honourable Members on both sides, how many persons will not be brought within the technical comprehension of section 153A of the Indian Penal Code, and that is one of the reasons why I point out that section 153A of the Indian Penal Code ever since the date of its enactment has remained practically a dead letter. There is only one reported case and two unreported cases that have been decided under section 123A of the Indian Penal Code, and that being the main section, the preventive section would greatly aggravate the evil of searches made, as the Honourable Pandit Madan Mohan Malaviya pointed out, upon reasonable suspicion that a person is "possessed of seditious literature." I can well understand that the Legislature would be willing to arm the executive with power of search, if followed up by a prosecution, or give the magistrate the power upon a conviction to seize and destroy or otherwise dispose of such objectionable literature, but where there is no conviction and no intention to prosecute, but merely a desire to seize and destroy this literature, there is grave danger of a failure of justice, and it is upon these grounds that we object to the passage of this Bill. I have no doubt that if the Honourable the Home Member were not speaking for the Government but were speaking to us in the lobby, he would agree with us in what we have said, because he is too much of a lawyer not to see the point we are making on behalf of the non-official Members here. But let that pass. I appeal to the Government that

we are here in spite of the disaffection of a large wing of the Members of the House to co-operate with the Government, to assist them as far as we can, and to oppose them when we must. This is one of those unfortunate occasions when we feel that we shall not be conscientiously doing our duty unless we draw the attention of the Government to the dangers that lie underneath this piece of general legislation. The Honourable the Home Member is welcome to introduce a special piece of legislation, and we shall support him and he will serve the same purpose if he were to limit the life of this Bill to a period of two, and I am prepared even to go to three years ; but do not place it permanently on the Statute book. By placing it permanently on the Statute-book you will be confronted with difficulties, and those difficulties you will regret have been of your own creation.

One word more, Sir, and I have done. Yesterday I said that this legislation repeats some of the obnoxious provisions of the Press Act I of 1910. The Honourable the Home Member misquoted and said that I had stated that this piece of legislation reproduces the most obnoxious provisions of the Press Act of 1910. Sir, I have a high opinion of the Honourable the Home Member and so I took home with me Act I of 1910 and burned the midnight oil in studying this Act section by section. I have come back, Sir, this morning convinced that this Act does reproduce some of the most obnoxious provisions of the Press Act of 1910. Look at section 4 of the Press Act I of 1910. I admit that the penalty is not so drastic, but the provision penalising the forfeiture of property goes much further than in the Act of 1910. I refer to section 4 which was repealed by the Act of 1922. However, Sir, that is a matter upon which lawyers always disagree, and I have no doubt the Honourable the Home Member will not accept that correction. But that does not prevent me from once more making an appeal to the Honourable the Home Member to yield to some extent to the united wishes of the Members of this side of the House. I wish, Sir, I could muster the same amount of passion as the Honourable the Home Member brought into play yesterday in charging this House to pass his Bill unanimously. I have no doubt that that passion has considerably subsided in consequence of the opinions which the leading newspapers of this country have pronounced on this Bill, and I hope therefore, Sir, in the cooler moments of this morning the Honourable the Home Member may be able to accede to what I submit is a reasonable and modest wish of this part of the House.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely : Non-Muhammadian Rural) : Sir, the whole of yesterday and this morning I have been trying carefully to follow the objects of some of my Muhammadian friends in taking the view they have taken. I do not think there is anything that will induce them to believe that the proposed legislation is not legislation to put a check upon the liberties of the people. I have no doubt most of my Muslim friends are of the same opinion as the other Members here that no such restriction should be placed upon the liberties of the people of India. But from what I have observed, I think my Muslim friends are under a misapprehension that this legislation may be used to advance some interests which they think will benefit them. I have been closely following the speech of my

[Mr. K. Rama Aiyangar.]

friend Raja Ghazanfar Ali Khan yesterday and of my friend Mr. Wali Muhammad Hussanally to-day. His (Mr. Wali Muhammad Hussanally's) introduction of the Arya Samajists into this matter gives me room to shrewdly suspect that he thinks that this legislation will prevent the Arya Samajists from reconverting to Hinduism those that are willing to join. On the other hand, he probably thinks it gives him a right to convert other people to his religion, while the Arya Samajists ought not to be allowed to convert to their religion. If that is the view, I must certainly tell my Honourable friend that the Government could never intend to use it for such purposes, and I think the Honourable Sir Alexander Muddiman will be the last to allow this legislation to be used for such a purpose. Similarly, I noted that my friend Raja Ghazanfar Ali Khan yesterday referred to certain communal electorates and mixed electorates, and probably he thought the Government were going to use this legislation for the purpose of perpetuating separate electorates for the benefit of the Muslims. I purposely mention this because they have tried to sling mud at some of the leaders, who will I think in the long run have the reputation of having brought the country to a real sense and having brought about real union in the country, not an apparent union between the two big sections in India.

Mr. President : Order, order. These arguments would have been quite relevant in yesterday's debate. To-day the only point raised by the amendment is whether this measure should be restricted to a period of two years only. That is the only point before the House and any arguments in support of or against that amendment are relevant.

Mr. K. Rama Aiyangar : In a minute, Sir, you will probably find that I am most relevant to the point. If these are the impressions that lead our Muslim friends to put a block on and to use a brake in the advance of the liberties of this country, I think they will be sadly mistaken. Therefore, my point is, Sir, that every one must agree that this should be treated as legislation to serve the immediate needs. That is the main point I press and you, Sir, will follow please that that is the only view which will make us all united in this matter. If my friend Mr. Wali Muhammad Hussanally thinks that by making a permanent addition to the Statute book, he will gain, he will feel later on that he has been sadly disappointed. In fact we can use it, and I submit that the whole of the Indian section here will feel that we can use it only for a short time till probably the reasons for these rebellions have been put an end to.

Khan Bahadur W. M. Hussanally : I have no axe to grind, except self-protection.

Mr. K. Rama Aiyangar : Self-protection ! What is the reason for it and have we had it before ? Self-protection has been so badly wanting in India till two or three years back. Have we had all these disturbances of actually murdering each other in the public streets till only a few months back ? And can we not realise that there is something like that, some hope or some false idea that procedure like this will bring about a state of atmosphere where conversion could be avoided or political rights could be gained ?

My friends have freely used language which I am sorry they used in this discussion. If they used it under any false impression let them

not forget that we are all one. We are bound to be one. The country cannot be divided like that. It must become united and probably the Government in their attitude are helping us towards actually uniting into a solid mass. I submit that the Honourable the Home Member should feel that we should not put this on the Statute-book for more than the least time necessary, otherwise he puts back the clock of India's progress and I do not think the Government mean to do that. I submit, Sir, that he should see that it is necessary to accept this motion.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, I had no intention to take part in this debate to-day by making a speech, but I want to submit to the Chair that if the introduction of the Shuddhi, the Sangathan and the Arya Samaj into this debate by an Honourable Member is relevant, then surely a reply to that statement is also relevant. Therefore while I refuse to be drawn or provoked into any retaliation of the insinuations made yesterday and to-day against me personally and against the Arya Samaj and the Hindu community generally, I want to repudiate those insinuations with as much emphasis as I can command. My Honourable friend is entirely mistaken in attributing these troubles to the Shuddhi, the Sangathan and the Arya Samaj, but if he is right in doing so then he must put the blame on British Rule because it is the existence of British Rule that has made the activities of proselytising agencies possible and to such a wide extent. But he should remember that the Arya Samaj is not the only proselytising agency. Other agencies more powerful and influential existed before the Arya Samaj was born. If this section could be used for the purpose preventing all proselytising activities and putting a stop to them, I would at once move for its being permanently on the Statute-book, but I am afraid the Government itself would repudiate any such intention and common sense also tells me that this section cannot be used for such purposes. Consequently, all these insinuations are altogether beside the point in this debate. I do not want to make any appeal to the Home Member because he knows his business and he has not said anything of this kind ; he wants this measure permanently for his purposes ; all Governments want as much power as they can possibly get from the Legislatures and the Government of India is no exception. Governments are in the habit of ascribing all kinds of troubles and difficulties to the non-existence of sufficient powers which would empower them to prevent such troubles arising ; but when they do get those powers, those powers are not always used for the purposes for which they were demanded. (*Honourable Members on the Government Benches* "No"). My Honourable friends say "No". I think the whole political history of the world supports the statement I have made. I do not ascribe any special evil to the Government of India, but that is in human nature and that is in the nature of all Governments. I do not, therefore, make any appeal to the Home Member but I do want to make an appeal to the Honourable the Mussalman Members not to wash their dirty linen on the floor of this House. There is enough room outside this House to do that and we should not convert this House into an agency for ventilating our respective communal grievances against each other. That will aggravate the trouble and not minimise it. For myself I want to make this statement once for all that I shall take no notice of any insinuation made against me. I refuse

[Lala Lajpat Rai.]

to be drawn or provoked into a controversy on these subjects on the floor of this House. I just wanted to make that statement, with your permission, Sir ; I have made it and I thank you for allowing me to do so.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I desire in the first place to say that I very much regret it if the House generally takes the view of Diwan Bahadur Rangachariar that I do not recognise that I have had much support in the House. I do recognise it and recognise it gratefully, and I should like to say that I am greatly indebted to the House for the tone in which the House has discussed this Bill. The last thing I expect is the entire approval of the House in a matter of this kind, but the considerable measure of support I have received I recognise gratefully.

As regards certain remarks which have fallen from Honourable Members, who have not been debating, if I may say so, the actual amendment before the House, I think it is unnecessary for me to say anything. I do beg that no Member of this House on this side or that side, belonging to this party or that party, will do anything in this House which is calculated to foment the trouble which we all deplore. But I may be permitted to make one remark. If this country is to obtain anything in the shape of rest from these troubles it will not be by the asserting of rights but by recognising the rights of others.

Sir, the particular amendment before the House desires to make this Bill a temporary Bill for two years. Now I dealt with that point in my speech yesterday and I have since the debate given it my earnest consideration because I knew an amendment of this kind was almost certain to be moved. Sir, I am afraid, I cannot accept it. This Bill was brought forward to stop a permanent loophole in the law. It was not brought forward as a panic measure or a measure of emergency. Nor have I ever put it forward as in any way a complete solution of the difficulties we have to meet. I agree, and agree entirely, with the view that no legislation will solve the problem that is now in front of India. But Government, anxious as it is and as it always must be, to reconcile parties, has also other duties. It has to see that the law is observed and it has to make its law effective. That is only one side of the duties of Government but it is a very important side.

Now, Sir, it has been said that section 153A has long been in force and that these difficulties have not been experienced. There are two reasons. The first reason is that for a considerable period it was not necessary to use the section, although I cannot agree with my Honourable friend that that period is as near the present time as he thinks. That is not so. The second point is that until 1922 Government had the power of confiscation. That power was taken away by the amendment of 1922. Until then we had the power and, therefore, it is only over the period from 1922 to the present day that the difficulty has arisen.

Diwan Bahadur T. Rangachariar : It was taken away with your consent.

The Honourable Sir Alexander Muddiman : On that I was just about to make a few remarks. I have gone through the papers

carefully and I have been unable to find anything to show that the Government ever intended this to be one of the powers which should be discontinued. Why effect was not given to that in the debate or why the Government point of view was not supported, I am unable to say at this distance of time. But that it was the deliberate intention of Government to abandon the power I cannot admit on such material as is available to me now. I do not put it higher than that ; but that it is a power which should be retained I think is clear. I can understand the attitude of those who say the Government should not have this power at all. They say, " It is a wrong power ; we will not give it ! " On the other hand, if you grant the power for two years it means you recognise that that power is necessary as a permanent part of the law because it is a distinct loophole in the law.—you cannot confiscate, as I pointed out in my speech the other day ; you are in fact not implementing section 153A and that I cannot believe was ever the intention of Government. It has been said that we ought not to retain a section of this kind on the Statute-book a day longer than is necessary. Sir, I cannot see that there is anything that justifies one in that conclusion. The mere fact that a power of this kind is on the Statute-book is in itself a defence. It prevents the offence because it is known that there are powers to deal with it. This is not, as I said before, merely brought forward to deal with the special circumstances which have arisen recently. It is the cumulative effect of the circumstances which have been arising since 1922 to the present day that we have to deal with. No one is more hopeful than I am, that with time and the earnest efforts of all parties, this communal tension may be subdued. It may ; I hope it will. I hope it will be subdued very soon. If it is subdued what harm will there be in this legislation being on the Statute-book ? None, Sir. It will remain as a *dead letter*. However reluctantly, especially as this amendment is well supported in this House, I am forced to reject it.

Mr. President : The question is :

" That section 1 be re-numbered section 1 (1) and to that section be added the following sub-section, namely :

" (2) It shall remain in force for two years. " "

The Assembly divided :

AYES—19.

Aiyangar, Mr. K. Rama.

Aiyer, Sir P. S. Sivaswamy.

Badi-uz-Zaman, Maulvi

Chanda, Mr. Kamini Kumar.

Das, Mr. B.

Deshmukh, Mr. R. M.

Ghose, Mr. S. C.

Gour, Sir Hari Singh.

Joshi, Mr. N. M.

Kasturbhai Lalbhai, Mr.

Lajpat Rai, Lala.

Lohokare, Dr. K. G.

Mutalik, Sardar V. N.

Neogy, Mr. K. C.

Purshotamdas Thakurdas, Sir.

Rangachariar, Diwan Bahadur T.

Talastaley, Mr. S. D.

Venkatapatiraju, Mr. B.

Vishindas, Mr. Harchandrai.

NOES—48.

Abdul Qaiyum, Nawab Sir Sahibzada.
 Ahmed, Mr. K.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Allison, Mr. F. W.
 Bhole, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Sir Denys.
 Burdon, Mr. E.
 Clow, Mr. A. G.
 Coatman, Mr. J.
 Crawford, Colonel J. D.
 Dalal, Sardar B. A.
 Donovan, Mr. J. T.
 Dyer, Mr. J. F.
 Gidney, Lieut.-Colonel H. A. J.
 Graham, Mr. L.
 Haig, Mr. H. G.
 Hezlett, Mr. J.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Hudson, Mr. W. F.
 Hussanally, Khan Bahadur W. M.
 Innes, The Honourable Sir Charles.
 Jeelani, Haji S. A. K.

Jones, Mr. T. G.
 Lindsay, Sir Darcy.
 Macphail, The Rev. Dr. E. M.
 Mahmood Schammad Sahib Bahadur, Mr.
 Makan, Khan Sahib M. E.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Muddiman, The Honourable Sir Alexander.
 Muhammad Ismail, Khan Bahadur Saiyid.
 Norton, Mr. E. L.
 Owens, Lieut.-Col. F. C.
 Paddison, Sir George.
 Parsons, Mr. A. A. L.
 Rahman, Khan Bahadur A.
 Rau, Mr. B. R.
 Reddi, Mr. K. Venkataramana.
 Roffey, Mr. E. S.
 Roy, Sir Ganen.
 Sastri, Diwan Bahadur C. V. V.
 Sheepshanks, Mr. J.
 Singh, Rai Bahadur S. N.
 Sykes, Mr. E. F.
 Townsend, Mr. C. A. H.
 Willson, Sir Walter.
 Yakub, Maulvi Muhammad.

The motion was negatived.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman : Sir, I move that the Bill be passed.

Diwan Bahadur T. Rangachariar : Sir, we have done our best on this side of the House to see if we cannot improve the measure brought forward by Government. While confessing to a feeling of utter disappointment at the attitude taken by the Government in the matter of the amendment which has just been disposed of, I give my support to this measure and in giving that support I do hope and trust that the Government of India will keep a close watch on the way in which this power is exercised by Local Governments. We have had abundant instances in which Local Governments have misbehaved and if, as I stated yesterday, there is any mistrust in the executive authorities it is because of the way in which this section and others have been abused and misused. There have been observations made by some Members on the floor of this House which rather discourage some of us. I hope the Government will not lend a willing ear to such representations if really such representations are made to apply these sections for any purposes other than those genuinely coming under this section. That is the fear which apparently has been generated by some remarks made here and this word of caution I am bound to give, because otherwise, when we are bent upon putting an end to discord, this may be the very instrument by which the discord may be promoted and accentuated. Sir, I support the measure with these few words.

Khan Bahadur Saiyid Muhammad Ismail (Bihar and Orissá : Nominated Non-Official) : Sir, with your permission,

12 Noon.

I should like to make my position perfectly clear while supporting this Bill, and I crave the indulgence of Government in

making certain remarks on this motion, which I consider necessary as the Bill is one which required more detailed and careful consideration before its final passing, but unfortunately that could not be done or was possible owing to pressure of time and the nature of its urgency. I cannot deny the fact that the present deplorable and depressing circumstances in the country demand such a measure. But it would have been better if its details had been more carefully examined. However, in view of the emergency nature of this piece of legislation, I would most cordially and unhesitatingly support its passing in the hope that it will put an end to the root cause of mischief which is causing trouble in the country and which cannot be allowed to go unchecked any further. The support which I give to this Bill is in my individual capacity as a nominated Member of this Assembly, but I have been requested by our Patna Association, of which I have the honour to be the President, which is a Mussalman organization, to express on their behalf their sense of disapproval of the manner in which this Bill has been rushed through in this Assembly in this short Session. While I support this Bill in my individual capacity, I should like to make it perfectly clear that the remarks which have been made by some of the Mussalman Members of this House dragging in the fear of communal representation, which were quite out of place, are not shared by the majority of the Mussalmans of India. I cannot let this opportunity pass without deprecating as strongly as I possibly can the remarks that were made by one Hindu Member of this House who should remain nameless. He had unnecessarily dragged in the question of communal representation, and that has naturally irritated the feelings of some of the members of the Mussalman community. While, therefore, I give my cordial support to this measure, I must express my strong misgivings, because I know from practical experience as a layman that measures of this character are generally applied not by the judicial officers, but on the report of the subordinate executive. While, therefore, I do give my wholehearted support to this measure, as I have always been giving to Government, I can claim to make a request to them to see particularly that this power is not abused by the subordinate executive. With this observation I support the Bill.

Mr. K. C. Roy (Bengal : Nominated Non-Official) : Sir, I rise to support the motion moved by my Honourable friend Sir Alexander Muddiman. I do so with a deep sense of regret, because he has not been able to meet us half-way. Sir, I look upon the permanent enactment of this measure as a stigma on the law-abiding character of the Indian people and as a black mark against our political progress. Nevertheless I hope that the Press will carry out loyally the intentions of the law. We are willing to give the fullest co-operation to Government, but I expect on his part that the Honourable Sir Alexander Muddiman will fulfil his own obligations. I trust he will be good enough to issue a circular letter to Local Governments setting out his own proposition in respect of the daily Press. That will fully meet us.

Sir, I should like to say a word about what the Honourable Sir Alexander Muddiman claimed for the district officers and Provincial Governments. All that he said has my hearty support and entire sympathy. I claim also that this House will not withhold the need of praise which is due to the Government of India. I have been in closest

[Mr. K. C. Roy.] touch with the Government of India since the 2nd of April this year, the day of the beginning of the Calcutta riots, and I have never known a more competent body of officials working zealously for the promotion of good-will among the people than the Members of the Government of India, and our thanks are due to them. But at no period of my acquaintance with the Honourable Sir Alexander Muddiman have I missed him so much as during the last three months. If he had been here, perhaps the story of the riots would have been very different.

I now turn to my friend Mr. B. Das who charged the Government with using discrimination against one section of the Press in favour of another. Sir, I happen to be a member of a Committee which deals with press matters in the Government of India, and I can assure him that there is no such discrimination. In fact, on many occasions I had myself suggested discrimination, but it was ruthlessly turned down by the President of that Committee, I mean the Honourable Mr. Crerar. So my friend Mr. Das can be sure that, so far as the Government of India are concerned, there is no such discrimination exercised.

I also gathered that he made an implied insinuation against the British editors in this country. I can assure him that I know every one of the editors of the British Press.....

Mr. B. Das (Orissa Division : Non-Muhammedan) : I know them too.

Mr. K. C. Roy : I am glad that he knows them. But I can assure him that there is no body of men who are more anxious, according to their own light, to promote the cause of the country of their adoption than the editors of the British Press in this country. Sir, I support the motion.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I did not intervene in this debate till now, but I feel that on the third reading there is a very important lesson which the country has to draw from the proceedings of this Assembly at this Session. Sir, in 1924 when the first Session of this Assembly started in Delhi, my Swarajist friends who were in large numbers felt that they could practically control the proceedings of the Assembly, and they went to extremes in some cases as would appear even to them now, and took certain steps which some of us in this House did not approve of. The throwing out of the Budget and the other "tactics"—as they were called—which they employed were opposed by Members who felt that they ought to stand by Government when extreme measures, for which neither the country nor the Assembly were ready, were used by my Swarajist friends. We are now, Sir, at the end of the life of this Assembly. Like my Honourable friend the Home Member, or unlike him, I happened to be away from India for six months. I am one of those who was prevented from being present at the Delhi Session. A good deal of water has flown underneath the bridge, during these six months. But the one outstanding lesson which strikes me, as a humble Member of this House, is, that the weaker the Swaraj Party got, weakening the popular side in this House, the stronger and the firmer has been the hand of the Government in whatever measure they bring forward before this House. The Honourable the Home Member, Sir, has admitted that the various appeals made to the Government Benches in

this debate have come from quarters whose sincerity, loyalty and level-headedness are above suspicion. Now, Sir, what has he done? He has stood fast. The reason that he gave for rejecting the last amendment was the Bill as drafted by Government can do no harm. As a layman, I was surprised to find such a ground being put forward by a lawyer of the eminence of Sir Alexander Muddiman. Sir, there can be many laws put on the Statute-book which may do no harm, but do the Government put them on the Statute-book for that reason? But, Sir, it is the weakness of the non-official element in this House that has helped the Government to put this measure through without paying heed to suggestions from this side. What have the Government done to show the slightest consideration not to demands, but to the appeals from various Members on this side which were couched in words which very few could have turned down. After all, what did they want, Sir? My Honourable friends Diwan Bahadur Rangachariar and Sir Hari Singh Gour and others who spoke on various amendments including my friend Mr. Jinnah said that, if Government thought this measure is necessary, they did not propose to question it. By all means put it on the Statute-book under the special circumstances which Government consider have necessitated this measure, but they hoped, and we all hope, that the special circumstances which necessitate this measure will disappear shortly. But if at the end of say, two years, Government find that this measure needed to be renewed, has any reason been advanced to justify the apprehension that the Assembly will not give it its best consideration? Well, the Honourable the Home Member welcomed all suggestions made, patted Honourable Members on their backs, gave them very good certificates for being level-headed and sincere, but he stood fast, and added that Government did not propose to budge an inch from the position they had taken up. To my Honourable friends the Muslims, I would only point this out. They have their reasons, Sir, for pressing that this measure should be put on the Statute-book. I may not disagree with them. If I understood my Honourable friends, Pandit Madan Mohan Malaviya and Lala Lajpat Rai, even they did not propose to reject this measure.

The Honourable Sir Alexander Muddiman : I must really appeal to the Honourable Member, through you, Sir, not to make suggestions about the other communities. I do not mind what he says about me for I have a broad back, but I do beg of him not to stir up feelings of that sort.

Sir Purshotamdas Thakurdas : I can assure the Honourable Member that I can very well take care of that aspect of the matter, and, although I always welcome any suggestion from him, I can assure him that I should not have fallen into the trap from which he proposes to guard me. Well, Sir, what did those two Hindu friends of mine do? Even they accepted the principle of the Bill, but said: "Let us take it to the Select Committee." If in the Select Committee, Pandit Madan Mohan Malaviya or Lala Lajpat Rai had taken up the attitude that the Bill was not necessary, it may have then been for my Muslim friends here to say that they disagreed with any non-official section of the House. I do not wish, Sir,—in fact those in this House who know me will perhaps admit that I would be the last person to strike any discordant note by dwelling on this question of communal differences. If there is anybody in this House whom these communal differences and outbursts make hang their heads down, I, Sir, happen to be one of them. And I have not said a word during the last

[Sir Purshotamdas Thakurdas.]

three years on that question because I am convinced that it is not by legislation, or by discussion on the floor of this House that these differences are going to be settled. The only lesson that I think this debate has is this, that the Government will not give any consideration to the popular side if they find that the popular side are weak in numbers. I cannot help making that statement on the floor of this House and I am very sorry, Sir, that I have to make it. But the elections are coming on shortly. The Home Member and others who smile do not realise that I am not to seek re-election from any electorate where communal differences play any part at all. The smile, therefore, is premature. I am speaking, Sir, in all gravity and in all seriousness. I do not want Honourable Members to make light of it—if they will please bear with me for a moment. The elections are on, Sir,—are coming on very soon. The country has a sure lesson to take from the debate of to-day. Send in either Swarajists or Responsive Co-operators, send in a Moderate or anybody you like, but for Heaven's sake, let the country send in people that will take a national outlook, people with a sense of self-respect, people who will sink their differences, or settle them between themselves. Let us not be at the mercy of Government. That, Sir, is the lesson of the debate and I feel that it would not be fair to myself or to those whom I represent if I did not mark out this lesson which has to be learned. The Bill may go through the course which the Home Member has chalked out for it for he has got the numbers behind him.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I would not have spoken twice on this Bill had it not been for the remarks that have just fallen from the lips of my friend the Honourable Sir Purshotamdas Thakurdas. Sir, I beg to assure our non-Muslim friends in this House that we the Muslims, those of us who have voted in favour of this amendment, have not the slightest idea of any communal question involved in this amendment of the law. In fact, Sir, it was as painful for us as it was for my Honourable friend, Sir Purshotamdas Thakurdas or my Honourable friend, Sir Hari Singh Gour to see an enactment like this. None of us, Sir, likes that the liberties of the public or the liberties of the Press should be curtailed an inch. We shall not in any way be a party to any unnecessary curtailment of the liberties of the people of this country. And the gentlemen who have been in this House, Sir, will have followed the course which we, the Mussalman Members of this House, have always adopted during the last three years. Sir, my Honourable friend, Sir Purshotamdas and others who think with him, must have seen that on all questions dealing with the liberty of the country and the demands for Swaraj, most of the Mussalmans, I mean the elected Mussalmans, have stood shoulder to shoulder, not only with the Independents but also with the Swarajists. (*Sir Purshotamdas Thakurdas* : "That is right: quite welcome.") (*An Honourable Member* : "Question?") To those gentlemen who say "Question", I say let them take out the proceedings of the House. Perhaps during the last few months their memories have failed them. The events of the last six months have perhaps reacted upon their memories. But if they will consult the proceedings of this House, they will find that on the three occasions when the Demands Resolution was put in this House, with the exception of one or two Mussalmans, all the elected Mussalman Members of this House not only silently voted in support of the Demands Resolution but they spoke and

spoke strongly in favour of those Demands. And, now that we are voting for the amendment of the Criminal Procedure Code proposed by the Honourable the Home Member, it is not with any communal motive or with any motive to go into the lap of the Government or to seek any favour from them. It is simply because in the interests of the peace of the country, in the interests of the Mussalmans and the Hindus both, we consider that such a measure is necessary and extremely necessary at the present moment. I need not dilate on this question any more because for the last two days I have been speaking and I have given out my mind on what I consider to be the present situation; but I simply want to show that we have not supported this Resolution with any communal feeling or with any idea to have any support or any partiality from the Government, but because we thought, and honestly and sincerely thought, that such a measure was necessary in the interests of the freedom of the country, in the interests of the Swaraj for which we are all so anxious, because we all know that, unless there is peace in the country, we cannot have any step forward on the road to Swaraj. And it is therefore necessary for all those who sincerely want Swaraj that they should support the Government in various measures for the protection and preservation of peace and order in the country. With these few words, Sir, I again support the motion that the Bill be passed.

Mr. Harchandrai Vishindas (Sind : Non-Muhammadian): I move, Sir, that the question be now put.

Sir Darcy Lindsay (Bengal : European): Sir, in according our full support to the Bill about to be passed and which we hope will go a very long way to bring peace in the country between the two great communities, I would like to very briefly comment on what fell from my Honourable friend Sir Purshotamdas's lips. I am perfectly aware that my Honourable friend Sir Alexander Muddiman is quite able to take care of himself but I would like to say that we on this side of the House feel that he went too far. We do not agree that the Honourable the Home Member has taken upon himself to force this measure through and refuse all requests for the fixing of a period because he was well aware of his strength in votes. I may tell the House that after conversation with one or two Members of the opposition I put it to the Honourable the Home Member as to whether it was at all possible for him to meet the wishes for limitation of the period. The explanation that he gave to me against that quite satisfied me that he was adopting the right course in refusing the same.

Another point I would like briefly to mention is the statement made by my Honourable friend Sir Hari Singh Gour. I do not know whether he has put himself up as the spokesman of the European population of India when he states that the Europeans are in unanimous agreement with the views put forward by the journal that he had in his hand. I think the point was that this was a panicky measure. Now, Sir, the whole House on every side are, I think, agreed that this is not a panicky measure. We are all agreed that the measure is necessary. It is merely a question of whether it shall be put on the Statute-book for all time or for a brief period.

Sir Hari Singh Gour : No, that is not the question.

Sir Darcy Lindsay : I wish, Sir, on behalf of my group to absolutely refute the idea that we are in any way in agreement with the views put forward by the journal from which he quoted.

Mr. B. Das : Sir, I rise to utter a word of caution to the Government. The Government have absolute power under this measure which

[Mr. B. Das.]

they are going to place shortly on the Statute-book and I hope they will use it cautiously. Before proceeding further, I want to correct one wrong impression on the other side of the House to which my friend Mr. K. C. Roy just now referred and to which the Honourable the Home Member also referred last evening that I seemed to say that the Government are responsible for the dissensions amongst the different communities in India and that they practise discriminating policies. Sir, that is not my opinion. But I say that the Government have not played their part properly. The Government have gone on maintaining law and order but they have not seen to the peace, tranquillity and prosperity of the people. It is the non-maintenance of these things that is responsible for communal disturbances and divisions in the country. For my friend Mr. Roy, whose place in the Press world is very high, I have the highest respect. I bow to his opinion and I am glad to note from such an eminent publicist of India that the Anglo-Indian Press according to their own light are serving India. Whether they are serving the *Morning Post* school of thought or the Yellow Press journalism I do not know, but I know this—I love my Motherland dearly—that the Anglo-Indian Press do not love India. They are alienating us from one another. They are always insinuating things against us and they even take our own Government away from us. I charge the Anglo-Indian Press with unanimous opposition against Indian causes. But I am glad that the *Statesman* has had the courage to say something against this measure. My friend Sir Hari Singh Gour has quoted a few passages. I will just quote a passage for the edification of the Honourable the Home Member and the Government :

“ Were it possible to believe that communal trouble could be ended by a measure of this kind it would have our whole-hearted support, but the operation of the new law may well prove an additional incitement. Sir Alexander Muddiman raises a question that goes back further in history than the time of Milton, but which Milton settled for reasoning men in his *Areopagitica* when he uttered his memorable protest against the licensing or prohibiting of books.

* * * In India bad law and bad journalism have for too long gone side by side. Who began it is no longer a matter of importance, but irresponsibility in journalism has evoked oppressive legislation and that in its turn has led to a greater irresponsibility.”

I hope my Honourable friend the Home Member will bear this in mind. He will not be always the Home Member of the Government of India. We know that he is a good-hearted gentleman and he likes to interpret the law in its best sense, but the Executive, their police officers, their district officers, their sub-inspectors, and the underlings of the Police Department, do not interpret the law in the same sense that my friend the Honourable the Home Member in his best sense of equity and justice does. There is always the chance of misinterpretation and abuse of power. We know that it has always been abused. I would have been very happy if the Honourable the Home Member had seen his way to refer this Bill to a Select Committee. When we asked him to refer this Bill to a Select Committee we accepted the principle of the Bill. I could not understand why the Home Member showed his *mailed fist* unless he was drunk with the absolute power and the absolute number of heads on that side. I do not want to take up the time of the House but I hope the Honourable the Home Member, as long as he is our Home Member, will see that the Anglo-Indian Press does not abuse their privileged position. They are cousins to you—you who occupy the position of Government in this country, and from that privileged position they abuse and insult the people of India

in the way that they are doing. I hope, Sir, that the Honourable the Home Member will apply this Statute that you are going to place on the Statute-book to the Anglo-Indian publicists in the same way that you will do to the Indian publicists.

Sir Hari Singh Gour : Sir, the battle has been won and lost, and one lesson that emerges from this two days' struggle has been the sense of our abject impotence in the absence of friends who have deserted us at this most critical period of this Assembly's life. If they were absent from the scenes of our debate we would not have regretted it, but present as they are even within the purlieus of this House and watching the few Members of the opposition keep the pass, gesticulating and laughing at our futile and vain attempts to thwart the efforts that are being made to curtail and curb our liberties....

Maulvi Muhammad Yakub : They are drawing their allowances all right.

Sir Hari Singh Gour : I feel, Sir, that so far as we are concerned, we have done our duty. We have played our part, and if we have lost, it has not been because we have failed to do our duty. Sir, I never expected that this Bill, with the attenuated opposition confronting the well-disciplined cohort of Government would take any other course than the course it has taken. But I cannot help wondering what would have been the position if those empty Benches had been adorned by their rightful occupants, and I imagine I could almost observe the Honourable the Home Member lobbying and asking, "Do you want to circulate? Yes, by all means. Do you want a Select Committee? Yes, certainly". That would have been the position, Sir.

The Honourable Sir Alexander Muddiman : I rise to inform the Honourable Member that I should have adopted exactly the course that I have adopted to-day, and the House would have had thrown on them the sole responsibility.

Sir Hari Singh Gour : Well, Sir, if he had done that, we would have given him the answer in the lobby. But we are powerless, and our voice is the voice of a powerless opposition; and the only thing that we can ask the Home Member is that, while the Bill will in a few moments become law so far as this House is concerned, he will use it leniently and see that this Bill when passed into an Act of the Legislature is not used for the purpose of curtailing the power of the Press and making raids upon printing houses and presses without the amplest justification and that it is limited only to cases where it is the intention of the Government to follow up seizure by a prosecution under section 153-A of the Indian Penal Code. If the Bill is limited to that purpose, we shall at any rate feel, Sir, that our work and our labour on behalf of the people has not been in vain.

I now wish to say a few words in reply to what has fallen from my friend, the Honourable Sir Darcy Lindsay. Referring to me, he said that I quoted a leading newspaper as voicing the sentiments of the European community in India....

Sir Darcy Lindsay : I said "the leader from a journal".

Sir Hari Singh Gour : That I quoted a leader from a daily paper voicing the sentiments of the community in general.

Sir Darcy Lindsay : No, no.

Colonel J. D. Crawford : No, no.

Sir Hari Singh Gour : My Honourable friends ejaculate, "No, no". I am sorry for it. I would ask Honourable Members to read the leader once more and I have no doubt that they would change their opinion. It is an outspoken, frank and I submit well-reasoned article condemning the whole piece of this legislation and describing it rightly as a panicky piece of legislation. Whether, Sir, it is panicky or otherwise, I once more beg the Home Member with regard to the legislation which is now before us and which will in a few minutes be enacted into law so far as this Assembly is concerned, to see that its provisions are not abused.

Several Honourable Members : I move that the question be now put.

Mr. President : The question is :

"That the question be now put."

The motion was adopted.

The Honourable Sir Alexander Muddiman : Sir I do not propose to detain the House at this last stage of the Bill for more than a minute or two. I will merely observe that I have suffered for some time from the tyranny of a majority. I begin to think, Sir, the tyranny of a minority may be worse. If I venture to differ from a minority, I am told that I am hard, I am unsympathetic, and that I turn down all non-official suggestions. Sir, the position is a ludicrous one. Am I to have no opinion? Are the Government of India entitled to have no opinion? I always, Sir, have endeavoured to meet any wishes of the House which were compatible with the discharge of my duties. It is hard that, because for the moment I happen to have a majority vote behind me and although there are many non-officials who are convinced by my reasoning and vote with me, I should be charged with the brutal neglect of non-official opinion. I repudiate the suggestion, Sir. The only other observation I have to make is that I do trust that all caution and all care will be used in working this Bill as any other measure. You cannot however legislate to make legislation fool-proof any more than you can make judges incapable of error or financiers incapable of mistakes. It is not possible. One last word, Sir, I should have been glad if my Honourable friend Mr. B. Das had withdrawn his charges in express terms. I understood him to make some kind of explanation but the matter is one that should not be left in doubt.

Mr. President : The question is :

"That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, be passed."

The motion was adopted.

THE INDIAN BAR COUNCILS BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move that the Bill to provide for the constitution of Bar Councils in British India and for other purposes, as reported by the Select Committee, be taken into consideration. As the House is aware, in November 1923 a Bar Committee was constituted by the Government of India in the Home Department. The terms of reference were fairly wide, and

the Committee was presided over by Sir Edward Chamier, who was the Legal Adviser and Solicitor to the Secretary of State and a late Chief Justice of the Patna High Court. On that Committee were the present Chief Justice of the Madras High Court, my Honourable friend, our present Law Member, Mr. Duval, who was at the time Legal Remembrancer to the Government of Bengal, Colonel Sir Henry Stanyon, who was a Member of this House known to you all, Rao Bahadur T. Rangachariar, who is also known to you very well, Mr. Patkar, and Mr. Banerji, who was a Government Advocate at the time and is now a Judge of the Allahabad High Court. That Committee prepared a report which was submitted to the Government of India on the 21st January 1924. The Government of India acknowledged the services of the Committee in March 1924 and directed the publication of their Report. The Report contained a great many recommendations some of which required legislation and some of which did not. As is usual in dealing with a report of this kind, it was circulated to Local Governments and other bodies to whom this kind of report is generally circulated. Their replies took a very long time in coming in. They were received in the course of the year following, and finally, after considerable delay for which I was frequently attacked, the Bill was published in the Gazette on the 2nd January 1926 and was actually introduced in this House on the 21st January. On the 17th March 1926, I moved that the Bill be referred to a Select Committee. It was a very large Select Committee and the House accepted my motion. The Bill was accordingly circulated. I explained at the time, it was impossible for me to deal in Select Committee with a Bill of this magnitude during the course of the legislative Session. The actual meetings of the Committee therefore were held just before the present Session. Owing to causes which I need not go into, the attendance at the Committee was not as large as it ought to have been, but still a considerable number of members attended. The Report is signed by 10 members and has been laid on the table. A certain number of changes have been made in the Bill. I regret to say that the Report is not unanimous. Two minutes of dissent are recorded by members who only attended the Select Committee on the day the Report was passed. We regret greatly that we were deprived of their assistance during the discussion. However, they have furnished us with their views without attending the discussion on the Bill.

The Select Committee's Report explains the more important changes in the Bill. But I think I ought to call the attention of the House more particularly to the provision which has been inserted in clause 4 (b) of the Bill, making it clear that Judges of the High Court may be members of the Bar Council. The change in sub-clause (3) of that clause is less important. It carries out what I think was the intention of the Bar Committee, that special representation was to be provided for barristers. There is an addition in the proviso to clause 4 which constitutes the Advocates-General of Bengal, Madras and Bombay as *ex-officio* Chairmen of the Bar Councils for the High Courts concerned. In clause 6 a change has been made which I think will be accepted generally in the rule-making power. The provision is that the first rules shall be made by the High Court, thereafter changes can be made, with the previous sanction of the High Court, in the way of amendment or addition by the Bar Councils themselves. It has been provided in clause 8 in regard to the enrolment of advocates, that the actual roll should be kept in the High Court. The

[Sir Alexander Muddiman.]

keeping of the roll is a ministerial business and should properly be discharged by the Court which admits the advocates. Provision has been made for copies of the roll to be sent, as must necessarily be the case, to the Bar Council, who are required to amend their roll and keep it up to date so as to correspond with the roll kept by the High Court. An important change has been made in this same clause, clause 8, to which I ought to draw the attention of the House. As has been pointed out in one of the minutes of dissent, I think by Sir Hari Singh Gour, the Bill as referred to the Select Committee did not contain sub-clauses (3) to (7) of clause 8. Sub-clause (3) provides that the entries in the roll shall be made in the order of seniority and lays down a rule by which the seniority in each case is to be determined. Sub-clause (4) says that pre-audience is to be determined by seniority save where the High Court may make special orders, and it contains a proviso that the Advocate-General shall have pre-audience over all other advocates and King's Counsel shall have pre-audience over all advocates except the Advocate-General. Now, those are important sub-clauses and they were not in the original Bill referred to the Select Committee. The other sub-clauses (5), (6) and (7) were not in the Bill but they are of minor importance and I need not refer to them. They are merely carrying out the change, as I stated before, that the roll should be kept by the High Court and not by the Bar Council. Clause 9 contains a proviso which lays down that rules made thereunder shall not limit or affect the powers of the High Court to refuse admission to any person at its discretion. That is the power the High Courts have under their Charter and it is saved to them by this proviso. A further addition has been made to this clause in sub-clause (4) which makes it clear that nothing in this section or in any other provision of the Bill is to affect the powers of the High Courts of Judicature at Fort William in Bengal and at Bombay to prescribe the qualifications for practice in the original jurisdiction of those courts. That was undoubtedly the intention of the framers of the report. It was desirable—at least the Committee thought it desirable—that it should be brought out more clearly. In clause 10 there is a slight change. The Bill, as it was introduced, allowed inquiries to be sent to a subordinate court. The inquiry may now be remitted to the court of the District Judge only. In clause 12 the main change to which I need draw the attention of the House is that power has been given to the High Court as regards the payment of the costs of the inquiry and also a power to review. I need not dwell more fully on that. It is contained in sub-clause (6). In clause 13 a change has been made which does not allow the Bar Tribunal to require the attendance of the presiding officer of the court without the sanction of the High Court or, where the court is a Criminal or Revenue Court, without the sanction of the Local Government. There has been an addition to sub-clause (3) of this clause which is mainly to make clear the position as to the services of summons, the production of documents, and the like. There has been a change in clause 14 (c) which is of some importance. It lays down that an advocate is entitled to practise, in addition to the provisions previously laid down, before any other authority or person before whom he is by or under the law for the time being in force entitled to practise. In clause 15 an important addition has been made to the rule-making power, namely, the investment and management of the funds of the Bar Council, and it is obvious that it would be well to make the rule-making power fairly wide.

We have added a provision enabling rules to be made in regard to any other matter in respect of which the High Court may require rules to be made. Clause 17 is a new clause which is designed to protect the *bona fide* exercise of powers conferred by the Bill. This clause is of a drafting nature. I need not refer to the drafting change in clause 19. A good many changes have been made, but from what I have told the House I think they will see there is not much new matter introduced, with the exception of the clauses dealing with the seniority of advocates. Sir, I move.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, I beg to move :

“ That the Bill as reported by the Select Committee be recirculated for the purpose of eliciting further opinions thereon.”

The Honourable the Home Member has stated that the Bill has undergone considerable changes in the Select Committee. Honourable Members will see, if they look at the Bill for themselves, that there is scarcely a clause which has not been amended by the Select Committee. I do not say that all these changes were not necessary. On the other hand, I am prepared to endorse many of the changes made by the Select Committee, but as the Honourable the Home Member has frankly admitted, there is one amendment which cardinally alters the scope, the scheme, and the character of the whole Bill, and that clause is clause 8, sub-clause (3). It says :

“ Entries in the roll shall be made in the order of seniority, and the seniority of each advocate shall be determined by the date of his admission to be an advocate or, in the case of a person referred to in clause (a) of sub-section (2), by the date of his admission to be an advocate, vakil or pleader, as the case may be, of the High Court.”

In other words, this clause inserted by the Select Committee was a new clause added by them. It was no part of the original Bill and, indeed, after reading the Report of the Indian Bar Committee with some care, I venture to submit that it was no part of the recommendation of the Indian Bar Committee summarised in paragraph 59 page 35, of their Report. And if I may be permitted to mention it, the recommendation of the Bar Committee rather was that the Bar Councils should be given the power and be made autonomous to a certain extent. Honourable Members will find it in paragraph 48, page 28, of their Report.

Now, Sir, I venture to submit, differing from my Honourable colleagues on the Select Committee, that this is a very material change and a change upon which the country was never consulted, High Courts were never consulted, the barristers and advocates and vakils directly affected were never consulted. In other words, the Bill as it emerges from the Select Committee has been so materially altered that it requires the elicitation of further opinions of the persons directly affected by it, and I therefore move for its recirculation. There are a large number of other clauses upon which the opinions of the High Court and of the Bar Library would be of great value, and I therefore submit that if there ever was a case which called for a recirculation it is this.

Honourable Members of this House, that is those who belong to my profession, will easily realise it when we assure them that the most valued of all privileges of the members of the Bar, whether of the English or the Indian Bar, is the privilege of seniority. It carries with it

[Sir Hari Singh Gour.]

a certain professional and social status, and what is more, it gives the advocate concerned the right of pre-audience in a court of law. According to the English practice, so far as barristers are concerned, from time immemorial, ever since the institution of the English Bar commenced somewhere in the medieval ages, the 13th or 14th century, the practice has been that the seniority of a member of the English Bar counts from the date of call, that is from the date he is called to the English Bar. In India that practice was transported by the members of the English Bar and in all the High Courts, including my own, the Calcutta High Court, the practice has been uniformly adhered to. Whatever may be the date of our enrolment, it may be 10 or 20 years after the call to the Bar, seniority ranks not from the date of enrolment, but from the date of the call. Take, for instance, the case of a learned professor of law who has passed 20 years of his life in teaching law to the students, and at the close of his life wants to practise at the bar, and gets himself enrolled, let us assume, in the Calcutta Bar; his seniority would not be from the date of that enrolment, but from the date when he was called to the Bar. There are many members of the Indian Civil Service who have been called to the Bar. On retirement they may like to be enrolled in a High Court to practise, and if the English practice is followed, their seniority would count, not from the date of their enrolment, but from the date of their call to the English Bar. That is the first thing. Now this Bill makes a departure, the departure consisting in this, that if a barrister of 25 or 30 or 40 years standing wishes to practise in a High Court and gets himself enrolled, he becomes a stripling of one day's or one year's standing, from the date of his enrolment in the High Court itself. Now that is a matter which cannot be regarded otherwise than as very material. It is a departure and I do not for a moment suggest that the Indian Legislature has not the power to enact a rule of the kind that is sought to be enacted in this clause, but all I ask is that the persons who will be affected by it, who will have to depart from established practice, should have at least their say as to what they think of this clause. If they had been consulted before this Bill was sent to the Select Committee, I would have no complaint to make. Opinions would have been before the Honourable Members. They would have said the opinions are all there and for better or for worse this is the view that the Indian Legislature should take; but the position is different. The members of the English Bar, the High Courts and others interested in this question have not yet been questioned. The Bill in fact as it emerges from the Select Committee is a different Bill on this most essential, this most material of all points, in that it establishes an artificial rule of seniority departing from the English practice.

That is my first point. I do not for a moment suggest and I do not wish that my friends of the Vakil Bar should have the slightest apprehension that, if this Bill goes back to the country, it would not promote the object which the Indian Bar Committee had in view, because if we do not return to this House there will be others who will come and take our places and the question will be decided upon its merits. I am not anxious that this Bill should either be delayed or postponed and the sole reason with which I have given notice of this amendment is that it is fair and just that when you depart

from an established practice affecting a large body of men, both Europeans and Indians, who belong to the English Bar, whose rights and privileges are likely to be curtailed and *prima facie* will be curtailed, whose seniority will be affected and prejudicially affected, the least we can do, the least they are entitled to is a hearing before this measure is transferred to the Statute-book. I submit, Sir, that there could be no two opinions upon this broad question.

The Bar has been in existence for 600 years, and if the historians speak the truth, it has been in existence since the days of Desmosthenes and Cicero. The practice of the English Bar, so far as we know, has been, and is valid in the archives of mediæval history. If you wish to make a departure now let us at least consult those who have been brought up in that tradition and follow that practice and have been following the English practice for all their lives. That is my submission to this House and I appeal to this House unanimously to assent to my reasonable request for recirculation. There are some other considerations, a few considerations upon which it would be necessary to consult the High Courts. In their opinion given on the Bill, the Calcutta High Court have expressly asked that Bill should be resubmitted to them for their opinion. The Bombay High Court has also commented upon the Bill. We have carried out some of their suggestions and I think it is due to these High Courts that we should reconsult them upon the measure as it has been finally settled by the Select Committee. This is certainly not one of those urgent measures. The skies will not fall if this measure is postponed for another four months. There will be no cataclysmic change or disturbance anywhere in the country if this measure is given a little more time for the people to think about and to report upon. Therefore, I say, Sir that so far as my motion is concerned it is one which should receive the universal assent of the Honourable Members of this House. I cannot, Sir, forget that some of my friends, vakil friends, who are a little suspicious of any postponement might say "Why do you wish to sidetrack this measure and why should we not have to-day what you promise us four months hence?" Well, Sir, I appeal to them that, so far as they are concerned, they are numerically strong in this House. They were numerically strong in the last Assembly when my feeble voice was silenced by the clamours of the multitude. My opinion was overborne by the members of the Vakil Bar assisted as they were.....

Mr. K. C. Neogy : What was your opinion then ?

Sir Hari Singh Gour : My opinion then is my opinion now. I have some consideration for the English Bar and I want the English Bar to preserve its individuality.

Well, Sir, I am not going into polemical questions. At present I am only pleading for recirculation and because I am pleading for recirculation I am appealing alike to lay members and to lawyers, both barristers and advocates, including my friends who are interjecting somewhat uncomplimentary remarks regarding my motion.

Sir, There are one or two other questions upon which I think this Bill might profitably be recirculated. Apart from clause 3 there are certain rules made upon which Honourable Members of this House have given notices of amendment. Honourable Members will find that this

[Sir Hari Singh Gour.]

is not a Bill which was reported upon in the placid atmosphere of a Joint Select Committee. Out of ten members who sat on the Select Committee, no less than seven members have recorded dissenting notes.....

Diwan Bahadur T. Rangachariar : On minor points.

Sir Hari Singh Gour : I find, Sir, from the agenda paper before me that there are no less than 28 amendments. My friend Diwan Bahadur Rangachariar says "On minor points". What my friend Diwan Bahadur Rangachariar, regards as a minor point I regard, Sir, as a question of life and death. He may regard my decapitation—the destruction of my rights and privileges—as a very minor point ; but I regard that, Sir, as a very essential point, and before my Honourable friend and his colleagues assassinate me and lay me to rest, let me be given a chance to pray and time to repent. That is all I want and therefore I hope that even my friend, Diwan Bahadur Rangachariar, will commiserate with me and mine and accede to the very reasonable request which I make for the recirculation of this Bill. Sir, I move my amendment.

Mr. President : Amendment moved :

"That the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting further opinions thereon."

Rai Bahadur Raj Narain (Delhi : Nominated Non-Official) : Sir, more or less I am bound in duty, due to loyalty to the profession to which I belong, to support the motion of my Honourable friend, Sir Hari Singh Gour. The Bill took several days in the Select Committee and was gone through clause by clause ; and there is hardly a clause which has not been altered by the majority of the Select Committee. If it was right that the original Bill as it was framed should be circulated, then I submit it is only right that the Bill as it now stands should be recirculated for opinion.

It has made very large encroachments on the vested rights of the existing members of the Bar, and the first principle which law teaches us is that we shall not interfere with the existing and vested rights of any profession. I am not one of those who suggest that in no case and under no circumstances should such interests be altered if justice requires it, but I would certainly say that greater thought should be bestowed when the question of vested rights arises. My Honourable friend Sir Hari Singh Gour has put the case in a different light from what I would put it to the Government Benches, to my vakil friends and to the European Members who sit here.....

Mr. N. M. Joshi (Nominated : Labour Interests) : And not to people like me ?

Rai Bahadur Raj Narain : I will certainly submit my case to you as well as to other Members, and shall expect you, as representing the Labour Party, to give it your best consideration.

Mr. President : Order, order. The Honourable Member must address the Chair.

Rai Bahadur Raj Narain : I will ask their support as well. Now, this amendment has already been referred to, I mean Rule No. 3. I will

further illustrate and point out what the senior members of the Bar think about this alteration. I would invite the attention of Honourable Members to the Rule :

“ Entries in the roll shall be made in the order of seniority, and the seniority of each advocate shall be determined by the date of his admission to be an advocate or,”

—mark the words which I am now reading,—

“ in the case of a person referred to in clause (a) of sub-section (2) by the date of his admission to be an advocate or vakil or pleader, as the case may be, of the High Court.”

I put before the House the case of a barrister who was enrolled, say, 25 years ago, and also the case of a vakil who was enrolled 25 years and one day ago. For all these 25 years the barrister has been leading, up to the present day, the pleader or the vakil. Now to-day we are telling him, ‘Look here, your right of seniority over such and such a vakil or pleader is taken away and you are put behind him.’ Now, Sir, I put it to the Members of the House, and particularly to the vakil Members of the House, and ask them to say if this is in accordance with the principles of justice.

Well, I am told I am interested. (*Mr. K. Ahmed* : “ No, he is interested.”) Well, he may be interested as much as I am interested. My interest, I may remind the House, will last only a few years more, perhaps. (*The Honourable Sir Alexander Muddiman* : “ A good many years.”) The interest of those who have come after me will remain much longer. But that is not the ground ; it is not because of the effect it will have upon me personally that I am appealing to you but because of what will be the effect of it on the principles of law which you are supposed to be representing in courts of justice. Will you be justified in saying that this Bill shall have retrospective effect and take away the rights of those people who have enjoyed them for a quarter of a century ? I submit that, when the Bill is sent for circulation to the High Court and to the general public, they will certainly adhere to the principles of justice which I have just now submitted to you. I pointed that out in the Select Committee, as is shown by my note of dissent :

“ I regret to have to put down this note of my disagreement with such provisions of the Bill as affect the time-respected right of pre-audience of the English Bar. I maintain :

1. That a distinction does and will exist in the two classes of advocates ;

2. That no necessity has been made out for this change inasmuch as it is conceded that this right is always and invariably waived in favour of superior practitioners.”

I may have a slightly prejudiced mind, but I do submit and maintain that there is a distinction between an English advocate and a vakil who has not gone to England for his training and lived there for three years for that purpose. I do not mean any disrespect to my vakil friends, for many of whom I have the greatest respect, and, if they ever appear with me at the Bar, I will admit them to be my superiors and waive my right of pre-audience as is done by many of my friends among the English advocates. But I cannot refrain from urging what the public does notice, and my vakil friends cannot fail to notice, namely, that there is a distinction between the two classes of advocates.

Another thing which I want to urge on the floor of this House is that no necessity has been made out for this change by which one of the parties may be aggrieved at least in sentiment if nothing else.

[**Rai Bahadur Raj Narain.**]

As was pointed out when the matter was being discussed before the Select Committee, this is a matter, very likely, of a very few years after which English advocates will cease to come out, although I do wish that a number of Indians would continue to go to Europe for their training. It is after all a great advantage to my mind, and those who have been beyond the seas must confess that it is a great advantage, and a great education to go across the seas.

I was urging my second point that no necessity has been made out for this extraordinary change, a change which, I submit, is opposed to all legal principles of justice, namely, the vested right being taken away. It has been conceded throughout that a barrister has never been so unreasonable as not to give way and let his superior vakil lead him in case there was necessity.

Mr. K. C. Neogy : How can there be a superior vakil ? Do you admit his existence ?

Rai Bahadur Raj Narain : My learned friend puts me the question, "How can there be a superior vakil ?" Well, Sir, do you take me to be so unreasonable as to suggest that a barrister who has come out to-day will possess an intellect superior to that of a vakil who has been practising in India for the last 20 years ? I shall not be so unreasonable. I have never suggested that.

Diwan Bahadur T. Rangachariar : If you admit it, then why do you object ?

Rai Bahadur Raj Narain : I am afraid my point has not been understood. Take the case of those advocates who were admitted at a certain time and had superiority over vakils who were admitted, say, two or three days or even a year before them ; those barristers have exercised the right of pre-audience for the last 10 or 15 or 20 years. My point is that that right should not be taken away and they should not be superseded by people who have acted as their juniors. That is my point. I do not urge that an advocate who is admitted to-day and a barrister who is admitted to-day as an advocate by a High Court shall have any distinction made between them. I am not suggesting that. What I am suggesting is this. Suppose A has had the right of pre-audience for the last 10 years over B ; then B shall not supersede him to-day under this Bill. This is what this Bill does. As the Honourable the proposer of this amendment has suggested, there is no urgency for this measure and it can very well wait till the next Session.

If my vakil friends think that my suggestions are interested, and their suggestions would be interested, let disinterested opinions come in. Let us have the benefit of the opinions of the High Courts. Let us have the benefit of opinions in the country. I do not want to take up any more of the valuable time of the House, and I do strongly appeal to the Government Benches and to the other Benches to support the very reasonable proposal of mine and of Sir Hari Singh Gour that the Bill be referred again to the High Courts and recirculated for opinion.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Diwan Bahadur T. Rangachariar : Sir, if in the course of my practice extending over 36 years I learnt a lesson that lesson was that if I want to get a fair hearing for my client and a fair chance of success I should be accurate in the statement of facts. My Honourable friend, Sir Hari Singh Gour, apparently with all his experience at the Bar and as a jurist and counsel has not apparently learnt that lesson. What is the ground, Sir, on which he asks that this Bill, as reported by the Select Committee, should be re-circulated or circulated for opinions? His main complaint is that the Select Committee have now embodied a provision in the Bill determining the question of pre-audience between vakils, barristers and others. Now, Sir, if Sir Hari Singh Gour had been a novice in this Assembly, I should have excused his ignorance. Either it is a wilful misstatement of fact to say that the public and the High Courts and the Governments had no opportunity to consider this question and that for the first time the Select Committee introduced it in the Assembly, or it is gross forgetfulness; in either case it is inexcusable. He has been in the Assembly like myself for the last six years. On the 24th of February 1921, my esteemed friend Munshi Iswar Saran of Allahabad brought forward this motion in the first Assembly, which I will read to the Assembly :

“ This Assembly recommends to the Governor General in Council that the Government do undertake legislation with a view to create an Indian Bar so as to remove all distinctions enforced by Statute or by practice between barristers and vakils.”

The then Law Member, Sir Tej Bahadur Sapru, made this notable pronouncement on that Resolution. He said :

“ The Resolution as it has been drafted by Mr. Iswar Saran asks definitely for two things. In the first place, he asks for the creation of an Indian Bar, and, in the next place, he asks that such differences as there exist at the present moment between the two branches of the profession should be removed.”

“ What those differences are have been described to a certain extent by my Honourable friend, Mr. Iswar Saran. I shall venture to quote to the House the opinion of a leader of the profession who in his day enjoyed the highest reputation for his advocacy and also for his soundness as a lawyer. I am referring to the late Sir Sunder Lal, whose leadership it was my privilege and honour, as much as it was the honour and privilege of Mr. Iswar Saran, to recognise for many years. In a document before me I find that Sir Sunder Lal described the differences with his usual lucidity and terseness in this manner :

“ The Indian barrister need not have any university education at all either in India or in England. He may have been plucked more than once at the university matriculation examination or at the subordinate pleadership examinations. If he has put in the required number of terms by eating the necessary number of dinners at his Inn and passed the prescribed examination, which is in compartments and, therefore more easy to pass, he is called to the Bar and is entitled to be enrolled as an advocate of any of the High Courts in India; he becomes fully qualified to practise in the High Court in the 22nd year of his life. He has a right of pre-audience of vakils, however able, experienced and accomplished as lawyers the vakils may be.”

Having quoted that opinion of Sir Sunder Lal, Dr. Sapru proceeded to say :

“ That, I believe, is really the *sting* of the whole situation; and it is not difficult to imagine that a branch of the profession which, in the past has had leaders of the type of Bashiam Iyengar and Krishnaswami Iyer in Madras, Dwarkanath Mitter and Romesh Chunder Mitter in Bengal, Kashinath Trimbak Telang and Mandlik in Bombay, Sunder Lal and Ajidhia Nath in Allahabad, should feel resentment at this stigma of inferiority. It is possible for even those who are not members of that branch of the profession to genuinely sympathise with that feeling.”

[**Diwan Bahadur T. Rangachariar.**]

In response to that appeal or rather the statement of **Dr. Sapru**, my honoured friend, **Mr. Eardley Norton**, who was for a long time connected both with the Madras Bar and with the Calcutta Bar, stated thus :

" I am perfectly prepared to remedy what I conceive is really your only legitimate grievance, and by your grievance I mean the grievance of honourable vakils, that the youngest barrister should lead the oldest vakil. I agree that that is not as it should be. It seems to me rather childish to suggest that the barrister of two years' standing should have a right to lead, for instance, **Sir Rash Behary Ghosh**."

Sir, what is it my Honourable friend **Dr. Gour** is so much enamoured of ? He suggests that our friend **Mr. Kabeer-ud-Din Ahmed** should have pre-audience over **Sir Rash Behary Ghosh**.

Sir Hari Singh Gour : I rise to a point of order, Sir. I have only moved for recirculation. I have not expressed any view at all on the subject. I have confined my remarks only to the subject so far as it related to recirculation.

Diwan Bahadur T. Rangachariar : I am contradicting the statement of fact that the public has had no opportunity of considering this question and that for the first time the Select Committee has brought this into consideration. It is that statement of fact that I am contradicting. The whole genesis of the origin of the Bar Committee was with this motion of **Munshi Iswar Saran**. Sir, on that the Government of India, having accepted that Resolution in a modified form, issued this request to all the Local Governments and High Courts :

" A copy of the proceedings of this Assembly is enclosed. Two questions are involved in the Resolution as adopted, the creation of an Indian Bar Council and the desirability of removing all distinctions enforced by Statute or by practice between vakils and barristers."

That was one of the questions. I hold in my hand the printed book containing the opinions of the Local Governments, High Courts and other Associations, including Chambers of Commerce, who were consulted. I think it is due to this House that it should not be misled. What does my Honourable friend state ? That the High Courts had no opportunity to offer opinions on this question, and this is the first time that this is introduced by the Select Committee. I challenge that statement. They were consulted twice and three times as I am going to show.

What did the Madras Government say ? The Madras Government say this as regards point No. 2 :

" His Excellency the Governor in Council would answer this question in the affirmative and remove all distinctions by legislation."

Similarly, various Governments and High Courts, and even the Calcutta High Court, which is very conservative in this matter, also admit that this distinction—I had better read it now, because that Court is a stronghold of prejudice in favour of barristers.

Mr. K. Ahmed : That is a vegetarian opinion, Sir.

Diwan Bahadur T. Rangachariar : Paragraph 3 of the letter from **Mr. Ridley**, who was the Registrar, reads :

" Upon the question of place the main grievance appears to be the precedence which barristers have over vakils. As far as the Calcutta High Court is concerned, the Honourable the Chief Justice and Judges are of opinion that the distinction of precedence

between barristers and vakils on the Appellate Side of the High Court should be abolished, and that barristers and vakils should take precedence according to the dates of admission as advocates or vakils."

—Exactly the amendment which has been introduced by the Select Committee, which the Calcutta High Court have accepted.

These opinions having been collected in 1923, the Bar Committee presided over by my distinguished friend, Sir Edward Chamier, was appointed, and what were the terms of reference to that Committee? They were:

"The extent to which it may be desirable to remove existing distinctions enforced by Statute and practice between barristers and vakils, and to make recommendations to that effect."

I had the honour and privilege of sitting on that Committee. We travelled the whole country at Government expense and examined witnesses, barristers, vakils, judges and advocates. My Honourable friend, the present Law Member, whom I am glad to see present here to-day, was also on that Committee. We made unanimous recommendations on this question. Paragraphs 14, 18 and 21 of that Report I shall read. My Honourable friend again tried to mislead this Assembly by saying that the Bar Council had not made any recommendations on that subject. Will my Honourable friend read paragraphs 18 to 21? He referred to page 35, having ignored the previous pages. In paragraph 14 it says:

"It is but right, as has been seen in every High Court except Calcutta, that advocates take precedence before vakils and pleaders. Vakils are obliged to file vakalatnamas, while in many cases advocates have not."

Take the first question of precedence which my Honourable friend complains was newly introduced by us in the Select Committee.

Sir Hari Singh Gour : Do you deny it?

Diwan Bahadur T. Rangachariar : I do deny it.

The Committee continue in paragraph 14 as follows:

"To take first the question of precedence, we are satisfied that a rule by which the latest joined barrister-advocate takes precedence over and enjoys pre-audience of the most senior and experienced vakil or pleader cannot be defended. In some cases advocates of High Courts have higher qualifications than vakils or pleaders of the same Courts, but they appear, from the evidence which we have heard, to be willing to abandon such precedence as they have in order that a uniform rule may be established. We have heard the views of many witnesses on the subject, and the evidence shows that this is a privilege for the exercise of which occasion rarely arises, since it is exceptional for a junior advocate and a senior vakil to be briefed together on the same side. On the other hand the evidence equally shows that when occasions do arise when a junior advocate might claim pre-audience of a senior vakil, the privilege is almost invariably waived in favour of the senior."

Very generous of them; my friend Mr. Norton set the example. They go on:

"We have not found among barrister witnesses any general desire to retain a privilege which they seldom exercise, while vakil witnesses, although they recognise the ineffectiveness of the rule in practice, unanimously wish to remove a distinction which they do not unnaturally regard as a mark of inferiority."

Then in paragraphs 18 to 21 we proceed to detail the recommendations we make. It is wrong to suggest that this idea is new, which was the main ground taken, the "sting" as the then Law Member put it, which was taken as one of the main questions put to the Bar Committee

[Diwan Bahadur T. Rangachariar.]

for inquiry and on which we inquired and made a report, and the Government of India accepted those recommendations. My Honourable friend complains that the Select Committee introduced this clause. But the whole object of this Bar Committee's recommendations was the unification of the Bar into one grade of practitioners in the country. That was accepted in the Bill as introduced. My Honourable friend complains that we introduced it newly in the Select Committee. I forgot to mention that the Report of the Bar Committee was again circulated, and I hold in my hand opinions received on the Report of the Bar Committee; and not only that, but on the recommendations of the Bar Committee, the Calcutta High Court has changed its rules of practice in respect of precedence. (I speak subject to correction by the late Advocate-General of Bengal, now adorning the Bench as Law Member.) The Calcutta High Court accepted the recommendation of the Bar Committee and modified their rules by which they now accord precedence to a man not because he is an advocate or a vakil, but according to the date of enrolment.

Sir Hari Singh Gour : Is that the rule of all the High Courts ?

Diwan Bahadur T. Rangachariar : I said the Calcutta High Court which is the stronghold of privileges for barristers. I am right in that. Therefore, far from this being a new idea introduced by the Select Committee and for the first time in this Bill, Sir, this idea started in 1921 when opinions were called for and were published in 1925 when the Bar Committee inquired into this. Dr. Gour was one of the witnesses to whom we sent our Questionnaire. We expected him to appear in Calcutta, but he did not appear; we did not go to Nagpur.

Sir Hari Singh Gour : Shame !

Diwan Bahadur T. Rangachariar : May be, but to suggest that this idea is new and therefore we must have recirculation beats things hollow, and I do ask this House to note that this matter has been considered. And not only that, after this Bill was introduced, the Bill was circulated and opinions were collected. The Bombay High Court of course now want to retain some vestiges of the barristers' privileges.

Sir, what does this Bill introduce ? All that the Select Committee has done is to carry out the idea underlying the Bill. This is what the Statement of Objects and Reasons says :

"The Bill is intended to carry out the following miscellaneous recommendations of the Committee, namely, the ideal to be kept in view should be the disappearance of different grades of legal practitioners so that ultimately there may be a single grade entitled to practise in all courts. At present the largest degree of unification possible should be effected. Then in all High Courts a single grade of practitioners entitled to plead should be enrolled, to be called advocates, not barristers, the grade of High Court vakils or pleaders being abolished and when special conditions are maintained for admission to plead on the original side the only distinction should be within the grade which shall consist of advocates entitled to appear on the Original Side and advocates not so entitled."

Sir Hari Singh Gour : Is there anything about seniority there ?

Diwan Bahadur T. Rangachariar : I do submit it implies that we should do away with all these distinctions. The Government of India have all along accepted the principle that these invidious distinctions—the "sting"—as the then Law Member put it in 1921 in this very House—should be removed. That has been the subject of endless discussion in

legal circles and High Courts all over the country. The Bar Committee visited all those centres. Barristers appeared before them, and vakils appeared before them. They accused each other; and then we made a unanimous recommendation, including the Chief Justice of the Madras High Court, who stood for the dual agency. That was the only point on which there was any difference of opinion between us, whether the dual agency should continue on the Original Side of the High Court. But so far as this point was concerned we all agreed that these invidious distinctions should be removed. Public opinion was consulted. High Courts were consulted. Local Governments have unanimously recommended the removal of these distinctions. They all recognise it, and after that to say that on this ground this Bill should be recirculated amazes me. The truth is, my Honourable friend is really clutching at a straw like a drowning man. He thinks that these privileges of barristers should be retained. He may be right but the bulk of opinion is entirely against it, and his action is calculated merely to shelve the Bill. This House has devoted its time for the last five years to this subject. Local Governments have been bothered about it. High Courts have been bothered about it. Probably my Honourable friend the Home Member has more volumes than I on this subject. All that labour is to be wasted so that somebody else may take up the question again at some future date. Dr. Gour and myself might not be here although we have given much thought to this subject. Sir, it is not fair to the House to ask that this Bill should be recirculated; it is unfair of my Honourable friend to take advantage of this addition made in Select Committee which merely carries out what was in the mind from the first of all those persons interested. By asking the House to have it recirculated he wants to kill it by side-tracking the issue. This Assembly comes to an end shortly. The Bill will lapse *ipso facto*. Then the Home Member—if he is here then or it may be some other Honourable friend on that Bench—will probably introduce a Bill of that sort. Probably there will not be such a chance. I ask the House not to give such a chance. It will be unfair and unjust to ourselves for all this labour to be lost as my Honourable friend suggests it should be done. Sir, I oppose this motion.

Mr. E. S. Roffey (Assam : European) : Sir, I support the motion for recirculation. From a perusal of the opinions which we have received it appears that in so far as Calcutta is concerned, with the exception of the Vakils' Association, the whole of the legal profession were against the original Bill. The High Court of Calcutta, Sir, say as follows :

" They are however convinced that the proposed Bill if passed into law in its present form and applied to this High Court will only produce difficulties, friction and confusion."

Now, Sir, after that they perused the Bill and they made certain suggestions, but the great point is that they asked that if and when those suggestions had been carried into effect by the Select Committee the Bill should be recirculated. That is in paragraph 8 :

" The Honourable the Chief Justice and the Judges are of opinion that the Bill ought to be modified in the light of the observations made above and the court should have a further opportunity of considering the Bill if it is so modified."

Now, Sir, that is a clear request from the Calcutta High Court. We come now to the Bombay High Court. The Honourable the Chief Justice states in his minute :

" Our hearty thanks are due to Shah and Kemp J. J. for their heavy work on this special committee."

[Mr. E. S. Roffey.]

—they had appointed a special committee to consider the original Bill—

“ Their labours have disclosed a fundamental flaw in the drafting of the Bill. The real point then is how it should be redrafted in this respect.”

Now, Sir, I admit that the Select Committee have inserted a sub-clause in clause 9, but I do submit that as it was apparently a fundamental flaw in the original draft it would be common courtesy to recirculate that clause as redrafted by the Select Committee to the Bombay High Court to find out whether or not it meets their objection.

Those are my two main points ; but I do submit that there have been very important changes made in the original Bill by the Select Committee. Another point which I consider important has been pointed out by Sir Hari Singh Gour, namely, that out of ten members in the Select Committee seven have signed minutes of dissent. I submit, Sir, that taking all these points together there is a clear case that this Bill should be recirculated for further opinion.

Dr. S. K. Datta (Nominated : Indian Christians) : Sir, the House has two propositions before it, one moved by the Honourable the Home Member and the other by Dr. Gour. I take it that I am perfectly in order in speaking on both the motions that have been made this afternoon. It is true that I am not a member of the legal profession, but a member of a sister profession. I am afraid, however, that in our profession the conception regarding pre-audience is not as distinct as it is in the profession of law. When visiting a dying man we do not talk about pre-audience in the presence of the patient.

Sir Hari Singh Gour : You have seniority.

Dr. S. K. Datta : But, Sir, this afternoon I am not going to take up the time of the House with that particular consideration. I have one qualification and only one to speak here this afternoon. In 1921 I had the privilege of serving on the Indian Students Inquiry Committee of which His Excellency the Governor of Bengal was Chairman—at that period Under-Secretary of State for India. When we went to England—at the public expense again as our friend Mr. Rangachariar observed a moment ago—we had evidence not merely from the Indian students regarding the value they attached to British Legal Education but also from the very highest legal authorities in England regarding the Indian Bar itself. The first person whom we examined was Sir Lewis Coward. May I read to the House just an extract from his evidence with regard to Indians undergoing legal training at the Inns of Court ? Sir Lewis Coward, who was the Vice-Chairman of the Council of Legal Education and formerly Recorder of Folkestone as also Chairman of the Board of Legal Studies, observed with regard to legal education in England :

“ Witness then stated that the view which he was about to express as to the desirability of the ordinary Indian student coming to England for his call to the Bar was his own view, and he was not authorised to speak on behalf of the Council of Legal Education. No doubt, 40 years ago it was desirable that the Indian student should come to this country for legal education, but the standard of legal education to-day in India was different. He hoped that the Committee might be willing to consider the question whether in the near future India should not have a complete system of legal education of its own.”

An even greater authority on Indian law—Viscount Haldane himself a Member of the Judicial Committee of the Privy Council, appeared before

us and tendered evidence. Now, what does he say with regard to Indians obtaining a legal education in England ? This is what he says :

"It is a training which is the only one we have got for an English barrister, but it is by no means perfect, and some of us want very much to see it improved. It is a totally wrong training, in my view, for an Indian student. Why does he pursue it when he goes to the Calcutta Bar, say ? Because he will find that a barrister called here takes precedence of him, however distinguished his position may be as an advocate. He may be the most learned vakil possible ; but he has not a look in ; he is behind in point of precedence. The reason does not rest with people here, it rests with India, and I have never been able to understand why India has not put it right long ago. India ought to call to its own Bar ; it ought to call men to the position of barrister ; it ought to create its own King's Counsel."

Here then are two opinions of the very highest authorities with regard to Indian students qualifying for the English Bar.

Another question which concerned the Committee was the reason why Indian students came in such large numbers to England for the Bar. We were presented at one stage of the proceedings with a memorandum from the Cambridge *Majlis*, a society of Indian undergraduates of the University of Cambridge. Their representative was Mr. Subhas Chandra Bose, late Executive Officer of the Calcutta Corporation. In his evidence before the Committee, Mr. Subhas Chandra Bose adverted, as you will find in the written evidence in this volume, to the position of Indians who came to England and the precedence they gained thereby in the High Court in India. The Indian students were unanimous in their view that they were compelled to go to the United Kingdom at the expense of large sums of money and to spend years of study for a qualification in law which they might as well have received in India.

Mr. K. Ahmed : Why did you not receive your education in India ? Why did you go to England ? You are just like an average man ?

Dr. S. K. Datta : My worthy friend interrupts me, but I shall not follow him.

Mr. K. Ahmed : I am afraid of him, Sir.

Dr. S. K. Datta : Well, Sir, there is such a thing as the tradition of the English Bar. Most people will give it ungrudging recognition. But are there opportunities for Indian law students to imbibe this tradition ? Viscount Haldane and other authorities have told us that Indian students usually kept by themselves, and after all the tradition of the English Bar was not enshrined in merely attending lectures, passing examinations and eating a stipulated numbers of dinners. But where was this tradition specifically cultivated ? The tradition was in Chamber practice under an English barrister. We invariably asked the question if Indian students obtained opportunities for this experience of an English Barrister's Chamber. We were informed that the greatest difficulties were encountered. It was easy for Australian or Canadian students to obtain this privilege, but very difficult for Indian students though members of an English Inn to obtain this specific experience. Therefore, Sir, the benefit which our Indian students get from studies.....

Mr. K. Ahmed : I rise to a point of order, Sir. It is compulsory now and every Indian student works in Chambers in England for a year.

Mr. K. O. Neogy (Dacca Division : Non-Muhammadan Rural) : Is that a point of order ?

Dr. W. K. Datta : Well, Sir, in addition to these facts before us, there is also the further fact that the going of so many Indian students abroad is an economic drain to India. It is estimated that Indian students spend something like half a million pound sterling in the United Kingdom annually, and a large proportion of that amount goes in obtaining legal education which could have been obtained in a far better way in this country.

Mr. K. Ahmed : Why did you go to England yourself then ?

Mr. President : Order, order.

Dr. S. K. Datta : Now, Sir, the proposition placed before us by Sir Hari Singh Gour is for reirculation of this Bill.

3 P.M.

I say this question is a very old one. It was raised originally, I believe, in 1879 regarding the parity of the two branches of the legal profession. We have had committees ; we have had inquiries. This Bill has now been brought before the House. There is the standpoint of education : there is the standpoint of the future of the Indian student who goes abroad. From all these standpoints it is only reasonable that we should ask that action should be taken as soon as possible.

Sir, there was a jibe flung at the Indian branches of the legal profession—I think it was in the opinions on this Bill which have been circulated to the Members of the House. One of the witnesses, a practising Barrister of the Calcutta High Court, wrote with regard to the mixed Bar Council as follows :

“ This is an astounding provision. One thinks of an analogy of a body destined to regulate the professional conduct of doctors being selected from amongst doctors, chemists and masseurs. If the anomaly is to be preserved, logically, to vakils and pleaders should be added Attorneys (at any rate in the Calcutta High Court). ”

The person who wrote that must have had the most primitive conception regarding medical education. I would support the motion, then, that the consideration of this Bill be proceeded with and that the motion of Sir Hari Singh Gour be not accepted, for I do not believe that any privileges, however long-standing, can be accepted unless they are just, and in this case my mind is clear that the distinction between the pleader and the vakil is an unjust distinction.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I want to say a very few words just to indicate my attitude towards this Bill. (*Sir Hari Singh Gour* : “ We know it.”) I am quite indifferent as to what fate ultimately overtakes it, unless it is amended on certain very important points. When I first saw the original Bill I was forcibly reminded of the proverbial mountain in labour which brought forth the proverbial mouse. Sir, if my disappointment was keen at that time, it has become keener at seeing the Bill mutilated and whittled down by the Select Committee. As I said, I do not care what happens to this Bill ultimately unless it can be improved on certain lines. At the same time I am aware of the feeling in certain parts of this House that this Bill does certainly go a long way to improve the conditions obtaining in some other provinces than my own. From that point of view, I am not prepared to stand in the way of the Bill being considered to-day.

Sir, the manner in which Sir Hari Singh Gour pleaded his cause has not in my judgment redounded to the credit of the dual system (*Mr. N. M. Joshi* : “ He is a great barrister.”) because I find that there are at least two very eminent solicitors present in this House and I daresay Sir Hari

Singh Gour was duly instructed by them. Either his brief was very badly prepared or he had no time to go through it. (Mr. N. M. Joshi : "As usual.") I will not be so uncharitable as to say that. Only this morning Sir Hari Singh Gour reminded us that he had been burning the midnight oil over a certain Bill. Sir, it seems to us that he is overworking himself. That is perhaps the reason why he has not had sufficient time to devote to this particular Bill. I was really surprised at that, because we were told this morning, either by himself or by a barrister friend of his, that this Bill raises a question of life and death to his profession, and if an eminent barrister of his position can argue his case in this perfunctory manner, in a matter which concerns his professional life and death, then what am I to think of the high traditions of the English Bar or of the high merits of the dual system? Sir, my advice to my Honourable friends would be to engage one of those superior vakils, whose existence my friend Mr. Raj Narain admitted, to argue the case for the barristers.

Mr. K. Ahmed : Mr. Raj Narain is a barrister.

Mr. K. C. Neogy : My Honourable friend Sir Hari Singh Gour made so many misstatements in the course of 15 minutes that I was really surprised that he should claim to know anything on the subject or that he should claim to have been in this House for six years. Sir, the history of this movement goes back to 1921, and Sir Hari Singh Gour, I believe, was present at each and every meeting at which this question came up in one shape or another.

Mr. K. Ahmed : Those were non-co-operation days.

Mr. K. C. Neogy : I may remind my Honourable friend of what he said on the 12th September, 1922, while a Bill which I had the honour of introducing in this House was up for discussion. There his first objection was that the whole thing was *ultra vires* of this Legislature. Next, he asked, "Why don't vakils go to England, if they have any grievance, and become barristers?" He did not, at that time, succeed in convincing his colleagues on those two points.

Mr. K. Ahmed : Many vakils went to England.

Mr. K. C. Neogy : When the matter came up in this House at Delhi, my Honourable friend was not very charitably disposed towards the Bill, and I can quite see his hand in whittling down some of the provisions of this Bill in the Select Committee. Not being satisfied with that, he comes forward with a dilatory motion to-day to re-circulate it. He has done enough almost to kill the scheme and he is not satisfied with that.

Sir, my Honourable friend Diwan Bahadur Rangachariar has already pointed out the glaring inaccuracies in the statements made by my friend Sir Hari Singh Gour. I am not going to cover that ground again. But it is a little surprising to me that while Sir Hari Singh Gour claims to call the Calcutta High Court "my High Court"—I daresay the Calcutta High Court will take it as a great compliment—while he refers to that High Court in those affectionate terms, he is altogether ignorant of what changes that High Court itself has made in the rules with regard to the question of pre-audience. My Honourable friend Diwan Bahadur T. Rangachariar was not quite correct when he said that the High Court had amended its rules with regard to pre-audience as a result of the Bar Committee's recommendations. They, as a matter of fact, anticipated the recommendations of the Bar Committee and set the matter right long before the Committee's Report saw the light of day.

Sir Hari Singh Gour : Who was the Chief Justice then ?

Mr. K. C. Neogy : The present Chief Justice, Sir.

Diwan Bahadur T. Rangachariar : Sir Lancelot Sanderson.

Sir Hari Singh Gour : Not Sir Ashutosh Mukherjee.

Mr. K. C. Neogy : No. It seems to me that Sir Hari Singh Gour has not kept himself in touch with the Calcutta Bar.

Mr. K. Ahmed : It is Mr. Rangachariar who has not kept himself in touch, not Sir Hari Singh Gour.

Mr. K. C. Neogy : Now, Sir, I had another surprise when I heard Sir Hari Singh Gour. In the social field we find him a great advocate of reform doing away with all barriers of caste and creed, disregarding the prejudices which the different communities may have. But in this particular instance he is in favour of maintaining a very rigid caste system in the legal profession.

Khan Bahadur W. M. Hussanally : Because you are untouchables.

Mr. K. C. Neogy : He says this seniority gives them a professional and social superiority, and so on. I speak subject to correction, I think these are the words that he used.

Pandit Shamlal Nehru : Do you deny that he has done good work here ?

Mr. K. C. Neogy : Another great point which my Honourable friend made was that we should not interfere with the traditions of the English Bar as kept up in this country by its Indian Members. My Honourable friend, Dr. Datta, has quoted a passage from the evidence of Sir Lewis Coward, the Vice-Chairman of the Council of Legal Education. I will give another extract from that evidence which bears directly on the question of traditions. It was put to Sir Lewis Coward that Indian students were encouraged to go to the Bar in England in order that they might learn its traditions. He said that :

"The traditions of the Bar might soak in gradually where Indians mixed together in Chambers or in the Courts, but somehow or other the Indians and English did not seem to mix and the students did not get the traditions which otherwise they might be expected to get."

I believe that we are entitled to attach some importance to the evidence of Sir Lewis Coward, and I would sincerely hope that his evidence would not be brushed aside by this House in favour of the opinion of Sir Hari Singh Gour. Sir, there is another extract which I propose to give to this House on this question of "traditions". A question was put to a distinguished vakil of the Calcutta High Court, Mr. Narendra Kumar Bose, who appeared before the Indian Bar Committee. (I may tell this House that Mr. Bose had himself been to England and had ample opportunities of seeing for himself the way in which the traditions of the English Bar were being imbibed by the Indian students there.)

Mr. K. Ahmed : What was the object of his going to England ?

Mr. K. C. Neogy : Perhaps to see how the Indian law students imbibed British traditions. I would ask my Honourable friend to have a little patience. He will be satisfied with the answer which Mr. Bose gave to the Indian Bar Committee. The question put to Mr. Bose was this :

"Q.—Do the barristers with their high traditions give the vakils a helping hand to improve their traditions ?

"A.—It is rather difficult to answer that question with any patience. So long as there were some giants among the English members of the Bar, there were some

traditions. But now it is the Indian element which is in the ascendant and what are their traditions ? Most of them were vakils ; then they went over to London, joined the Inns of Court, ate some dinners and then came out. What traditions can you expect of them ! (Laughter) ”.

Then another question was put to him :

“ Q.—You have misunderstood my question ; is there free mixing between barristers and vakils in the High Court ?

A.—Yes.

Q.—Then you have opportunities of imbibing their traditions ?

A.—Yes ; the traditions of Bayswater Boarding Houses ! (Laughter) ”.

Sir, these are the traditions of which my Honourable friend, Sir Hari Singh Gour, seems to be proud. I will leave my Honourable friend there.

Now, I will come to my Honourable friend, Mr. Roffey. Sir, he talked of courtesy, courtesy to the High Courts. Perhaps my Honourable friend has not been sufficiently long in this House to know the whole history of this movement. As my Honourable friend, Diwan Bahadur Rangachariar, has already pointed out, this question came up once in connection with a Resolution passed at the instance of Munshi Iswar Saran in 1921, and the Government got a collection of views from the different High Courts, local bodies and Local Governments on the subject on that occasion. The second time when the High Courts had an opportunity of giving an opinion on this question was when my Bill was circulated to them. The third time came when the Indian Bar Committee went about the country and examined members of the public, members of the different branches of the legal profession and also the Judges of the different High Courts. The fourth chance came when the Report of the Bar Committee was circulated to the Local Governments and to the High Courts, and there was an opportunity for them to give their considered opinion on the recommendations of that Committee. Sir, there is a small publication giving a collection of the opinions of the different High Courts and Local Governments on the Report of the Indian Bar Committee itself. Then the next opportunity came when this Bill in its original shape was circulated to all the different High Courts, and thus you have also got a collection of their opinions on the Bill. Does Mr. Roffey now mean seriously to say that the hands of the Legislature should be stayed and one more opportunity should be given to the High Courts for an expression of their opinions ?

Mr. E. S. Roffey : Yes, Sir, I do.

Mr. K. C. Neogy : Then I am very sorry to say that my Honourable friend does not realize the privileges of his position as a Member of this House. Who is the final authority ? Who has got to say the final word on the subject ? Is it the High Court or is it the Legislature ? Is it not the Government acting in agreement with the Legislature, or is the High Court in a position to dictate to the Legislature ?

Mr. K. Ahmed : Vakil Raj ! Then wait for another 100 years.

Mr. K. C. Neogy : I am very sorry that Mr. Roffey has underrated the importance of this House.

Mr. E. S. Roffey : I have not, Sir.

Mr. K. C. Neogy : It appears that he does. We have had enough to do with the High Courts, and it is for us now to decide what action should be taken. We cannot possibly wait till all the different High Courts give their benediction on each and every question involved in this Bill. We have had enough patience in this matter and we want to go ahead.

***Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : It seems to me, Sir, that there is a great deal of excitement among barristers on the one hand and vakils on the other, and my learned friend, Mr. Neogy, is so excited that he mentioned that this question has been mooted on many occasions. I think he counted out five or six ; and he thought that the Honourable Member there did not realise that we have the final word. But may I point out to Mr. Neogy that although this question was mooted four or five or six times, as he counted, the Government at any rate did not embody in this Bill some of the clauses which found their way on to this Bill in the Select Committee. Is that correct or not ?

Mr. K. C. Neogy : These particular clauses are based on the Indian Bar Committee's recommendations on which the High Courts had already an opportunity to pronounce their views, and they have not opposed them.

Mr. M. A. Jinnah : I am fully aware of that. Does Mr. Neogy realise that the Government did not venture to embody those clauses in the original Bill ?

Diwan Bahadur T. Rangachariar : It was implied there and we made it explicit.

Mr. M. A. Jinnah : My Honourable friend, Mr. Rangachariar, takes everything for granted. If it was implied, why have you added this ? If the Bill itself contained it, why have you added this ? I am surprised. The Honourable Mr. Rangachariar, Sir, always comes out with very original suggestions and original explanations. Let us really deal with this properly. Here you have certain clauses that have been added to this Bill by the Select Committee. Now, I am not concerned here with any other question except these clauses and on these clauses I wish to place my views before the House. These clauses are sub-clauses 3 and 4 of clause 8. Let us first of all understand what is the real difficulty with regard to these clauses. We are not at present concerned, as I say, with anything except this question of the pre-audience of barristers or that they should be on the same footing as the vakils. Now, I want the House to understand that in the High Court of Bombay it is not going to make the slightest difference to me. I am not going to be affected in the least degree, because I do not think that there is any vakil who has been practising in the High Court of Bombay for 25 years who is likely to come and seek admission and get seniority over me. Therefore, I am not affected in the very least degree and it is a matter of indifference to me personally. Now, let us consider. You have got a dual system prevailing in the High Court of Bombay. I am only speaking from my experience of the Bombay High Court. That dual system, to understand it very simply in one or two sentences, means this : there is a certain section of the legal profession that has chosen for itself the Original Side of the High Court. There is another portion of the profession which has chosen what we call the Appellate or the Division Bench side of the High Court. Now, I cannot as a barrister become a pleader. That is certain. And I cannot, without being instructed either by a solicitor or a pleader, appear on the Original Side or on the Appellate Side. No counsel in the High Court of Bombay can appear on any side of the court without being instructed either by a

*Speech not corrected by the Honourable Member.

pleader or a solicitor. Therefore, you have three branches of the profession—solicitors, pleaders and barristers. They have chosen their respective spheres which they thought were best for them. Now, we are told that one branch, namely, the vakils, aspire to become advocates.

Diwan Bahadur T. Rangachariar : We want one Bar.

Mr. M. A. Jinnah : Mr. Rangachariar will not either appreciate anything or follow anything except to repeat things in his own way.

Sir Hari Singh Gour : He is incapable of doing so.

Mr. M. A. Jinnah : It is not a question of one Bar at all. You are not going to have one Bar in Bombay. You have already got the dual system and you have accepted it. What is the good of saying we want to have one Bar ? I am proceeding on the basis of the system that at present exists in the High Court of Bombay which this Bill does not touch. This Bill, however, does touch one question, a question which is nearest to my Honourable friend's heart, namely, that if a pleader, who had chosen to remain on the Appellate Side, wants to go to the other side, he should be allowed to do so. He says, "Now, that I have changed my mind, would you please not put me in the same position as if I had made that choice at the very start ?" Apart from the question of its fairness or unfairness and whether it is going to make a serious difference to the barrister class, I venture to say that it will create, in the words of the High Court of Calcutta, a great deal of confusion, friction and difficulties which I do not think this House properly realises. It is for that reason and that reason alone that I am speaking. It is certainly a question which requires very great consideration. The words of the High Court of Calcutta run thus :

"Section 9 in their Lordships' opinion ought to be entirely remodelled and it ought to be definitely indicated that the Judges' supreme control should not be interfered with. In particular, their Lordships think that the form of application for admission to practise, the power of admitting to practise, the placing of the names on the court's rolls of advocates, the issuing of certificates of admission, the maintaining of the roll of advocates, the framing of the rules as to the powers and duties of advocates, the question of conduct and discipline should be matters entirely for the High Court and should not be handed over to any extraneous body."

But that is partly overruled by this Bill. It applies with much greater force to the point which I am placing before the House. Now, Sir, we are told that that must be disregarded. That is to say, we must not refer this Bill back to these two High Courts where the dual system exists and where these clauses, which I have pointed out, will create a great deal of friction and confusion and raise practical difficulties, and that we should not have the advantage of the well-considered opinion of these two High Courts. Why ? Because it does not create any difficulty with regard to the rest of India.

Now, is that fair ? Is that the right attitude to take up ? I, therefore, Sir, in the first instance would appeal to the Honourable the Home Member, if he can possibly do so, to allow the Bill to be re-circulated. He pointed out the difficulties owing to the fact that this House will dissolve, and the whole Bill may lapse. I do not know that there is any special urgency that this Bill should be passed before the dissolution of this House. Surely it only means a little more trouble to the department, and I hope that the Honourable the Home Member will continue at the next Session—I do not know whether I will—but, as we

[Mr. M. A. Jinnah.]

all know, the Home Member, like the King, never dies. There may be some departmental difficulties but this Bill can be brought in the next Session. Of that, of course, I am not the best judge, and I entirely bow to the opinion of the Honourable the Home Member on that point. At any rate, as I understood him, he was willing to recirculate those clauses about which there is this controversy, and I hope that he will do that at least.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : Sir, we all know that Dr. Gour is a very calmant and persistent advocate of Dominion status in this country. He has in season and out of season been in the habit of bringing Resolutions for a Supreme Court of Appeal like that possessed by the Dominions, and yet in this matter of a unified Bar in this country, he does not seem to like the example of the Dominions, and is somewhat inconsistent with his usual attitude.

I will only supplement the remarks of my friend, Dr. Datta, by referring to a few lines from the evidence of Viscount Haldane, which Dr. Datta omitted to read :

"India ought to call its own Bar ; it ought to call men to the position of barrister ; it ought to create its own King's Counsel. If anybody says that that is an innovation, my answer is that that is what the whole of the Dominions do, with the exception of that country called India. I sit daily in the Judicial Committee of the Privy Council. We have counsel of every nationality and from every part of the globe where the British Empire extends appearing before us, and they take precedence according to their precedence in their own Courts. If there is somebody who has been made a King's Counsel in, we will say, Manitoba (because even the Provinces of Canada make their own King's Counsel), he takes precedence of a King's Counsel made here and leads him in the argument at the Bar. So it is with everybody. We should hear a vakil or anybody who has been called in his own country, but when it comes to precedence we look to see who is analogous to what. I do not see why an Indian student should have to come over here to get what seems to me to be a much worse education for his future calling in life than he would get if he pursued it out in India. It is all very well, you know, but a training in an English barrister's chambers, even if you can get there, is imperfect if you are going to the Indian Bar. First of all there is much less chance of training there than there used to be."

Lower down he says :

"The Indian student studying in our Courts here seems to me merely to get his mind poisoned against what he might imbibe profitably if he went to India. He would do much better to read in chambers in India and to be called in India. It would be well to get rid even of the degree of vakil, if you could, and have one profession with seniority in it, and make your own King's Counsel. Then you will be delivered from this very bad system of training, which is bad because there are not places in barristers' chambers even for English students. The Indian student has very great difficulty in getting in. It is as bad a system as it is possible to conceive."

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : I wanted only to refer to the speech of my Honourable friend Mr. Jinnah, who is not now here. I really do not know if he made any point of any importance. What I find is that in clause 9, sub-clause (1), there is a proviso as follows :

"Provided that such rules shall not limit or in any way affect the power of the High Court to refuse admission to any person at its discretion."

And there is another proviso to sub-clause (4) of that clause, which says :—

"Nothing in this section or in any other provision of this Act shall be deemed to limit or in any way affect the powers of the High Courts of Judicature at Fort William in Bengal and at Bombay to prescribe the qualifications to be possessed by persons applying to practise in those High Courts respectively in the exercise of their original

jurisdiction or the powers of those High Courts to grant or refuse, as they think fit, any such application."

These two provisions practically give the necessary scope for every confusion being avoided in those two High Courts. I submit, Sir, though my friend Mr. Jinnah put forward the case with a certain amount of calmness, there is really no reason which should deter this Assembly from immediately proceeding with this Bill and disposing of it. I submit there is no reason why, after all we have heard, this should not be done.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, with your permission, I would also like to say a few words in supporting this Bill. Sir, up to this time the Bar Associations in India had no legal position and no legal status. This Bill for the first time creates Bar Councils in India and gives them a legal status. Therefore I welcome this Bill as a step forward towards the goal of Swaraj. I do not profess, Sir, that this Bill as it stands gives an appreciable degree of autonomy to the Bar Councils, but what I maintain is that it is a move in the right direction, and I think that, as by experiment and experience we see the working of these Bar Councils, their authority and their privileges will be increased and the Bar Councils in India will soon become autonomous bodies in themselves. The most important provisions of this Bill are those which aim at removing the odious distinctions between barristers and vakils, or as my friend the Honourable Sir Hari Singh Gour calls it, the English Bar and the Indian Bar. I do not know how there can be any English Bar in India ; to be more precise I can only call it an Anglo-Indian Bar. Of course I am not surprised to hear my Honourable friend Mr. Raj Narain talking so much about vested interests. He has always been in Government service and has always been hearing of vested interests.....

Mr. K. Ahmed : He is not in Government service.

Maulvi Muhammad Yakub : I beg his pardon ; I thought he was. At any rate I am not surprised to hear him speak of vested interests because you always find the school of politics to which he belongs putting forward vested interests and claims superior to those of the inhabitants of this country. But really I am surprised at Sir Hari Singh Gour, Barrister-at-Law, seeking these odious distinctions, when he has always been advocating that India should be self-sufficient and a self-contained country, and when he wants to sever all connections of India with the English Bar by creating a Supreme Court of Appeal in this country. And still he seeks that the odious distinction between vakils and barristers should remain. I think, Sir, there were certain legal anomalies in the legislation of India.

These anomalies are the relics of those dark days in this country when legislation was enacted without consulting the people of the country, and the sooner these anomalies are removed the better it will be. Certain of these anomalies were removed when the Criminal Procedure Code was revised and the distinctions between trial of Englishmen and Indians were removed : and the second set of legal anomalies are these odious distinctions between barristers and vakils. I cannot find any reason why a man who goes to England and gets his knowledge of law in England, by staying there for three years, should claim superiority over his own countrymen who have got their knowledge of law in this country.

Sir Hari Singh Gour : Foreign travel is an education.

Maulvi Muhammad Yakub : I do not say that Indians should not go to England to acquire knowledge, but we have got some specimens of Indian gentlemen who have returned from England—I shall not name them—here ; the House knows them, they are Members of this House, and I think that the very example of these gentlemen should dispel the idea of giving any superiority to the England returned lawyers over the lawyers who have got their education in this country. Sir, I do not know much about other Provinces, but I can only speak about my Province, the United Provinces, where from the very beginning we have been hearing the names of lawyers like the late Pandit Ajodhya Nath, the late Pandit Dwarka Nath, our revered Swarajist leader Pandit Moti Lal Nehru, the late Sir Sundar Lal, Sir Tej Bahadur Sapru, and Sir Satis Chandra Banerjea, all these legal luminaries of the United Provinces were vakils of the High Court and none of them was a barrister.

Khan Bahadur Saiyid Muhammad Ismail : What about Justice Mahmood ?

Maulvi Muhammad Yakub : Probably he never practised at the Bar in his earlier days. If he did it was only for a very short time. I can say with all due respect to his legal attainments that he did not establish his fame at the Bar before he came to the Bench ; he was no doubt a great success on the Bench of the High Court. To come to the point I do not find any reason why these odious distinctions should not be removed.

Now as to the point of this Bill being circulated again for eliciting public opinion, I say that no case has been made out for it. My Honourable friend Mr. Jinnah and my Honourable friend over there quoted certain opinions of the High Court of Calcutta. They said there would be some difficulty in the working of this Bill. But those opinions were expressed before the Bill came out of the Select Committee in the improved form in which it is now before the House. In the Select Committee we have given our best consideration to the valuable opinions of the High Courts and we have given effect to them, so far as it was desirable. My learned friend Mr. Rama Aiyangar has already read out to you certain provisions of this Bill and after introducing those provisions I do not think that any High Court would complain that their powers have been curtailed or in any way limited, or that they would like to have the Bill recirculated for their opinion. I think the Bill has been fully circulated. It has been pointed out—and I need not recapitulate it here—that the Judges of the High Courts and the members of the legal profession have had three or four occasions to express their opinions on this Bill, and there is no reason why the Bill should be again circulated. It seems to me that the barristers consider they have got some vested interests in this country and in view of those vested interests they want this Bill—which is a step forward, which is a step towards Swaraj, which gives a certain measure of autonomy to the Bar in India—to be put off longer.

Before I sit down, Sir, I would like to say this that we have heard the valuable opinions of nearly all the lawyers in this House, but still I find that there are two eminent lawyers here who have not yet expressed any opinion. One is my friend, Mr. Baptista, and the other is

Pandit Madan Mohan Malaviya, and I think the House will be very glad if we have their valuable opinions also before we come to any conclusion upon this Bill.

Mr. J. Baptista (Bombay Central Division : Non-Muhammadan Rural) : Sir, I had no intention whatever of intervening in this discussion. But upon the principles of responsive co-operation I cannot resist the appeal that has been made to me in spite of the depressing atmosphere of Simla. The line of argument that has been advanced creates an impression that there is an eternal conflict between the barristers and the vakils, and I shall not be surprised if some Members run away with the impression that this little Bill is a bitter pill for barristers generally. Personally I am a barrister of twenty-seven years' standing—which is a pensionable standing. Nevertheless, Sir, I can assure you that I do not regard this Bill as a bitter pill. On the contrary I look upon it as the cup that cheers but does not inebriate. To me it presents the cheerful prospect of doing away with this distinction between the vakils and the barristers. This differentiation cannot be justified upon any ground whatever, either upon the ground of culture, or on the ground of achievements or intellectual attainments, or on the ground of knowledge of law. No doubt there are many vakils who cannot hold a candle before some barristers; but there are equally many barristers who cannot hold a candle before some vakils. There are barristers of capacious calibre and there are vakils of capacious calibre, and all this convinces me that the sooner this wall, this artificial dividing wall, is done away with the better.

Now, Sir, I have been told that there are vested interests which should not be overlooked. By way of illustration a Member adduced the case of a vakil who was senior to a barrister by one day. In the past the barrister had pre-audience. In the future the vakil will have pre-audience. And he appealed to our sense of justice not to tolerate such injustice. My answer is this: if there ought to be no distinction between the barrister and the vakil, then for the past twenty-five years there has been injustice done to the vakil by giving pre-audience to the barrister, and my sense of justice makes me feel that we should not perpetuate the injustice. The sooner this injustice is done away with the better. My friend Mr. Jinnah referred to the distinction that exists in the Bombay Bar between the pleaders, the solicitors and the advocates. He said "They have all made their choice." I believe, it is more or less a Hobson's choice. Many a vakil would like to come on the Original Side and some of them have come and distinguished themselves and eclipsed most barristers. But they are not able to do so on account of this dividing line, this disqualification, that is imposed upon them. Therefore, Sir, I myself do not believe for one moment that this House ought to tolerate any dividing line between vakils and barristers.

But, Sir, there is one consideration that weighs heavily with me. I understand that the High Court of Calcutta made a request, and I am not quite sure whether there is also a request from the High Court of Bombay, that this Bill should be resubmitted to them for consideration after it has emerged from the Select Committee in an amended form. Now, Sir, I hold the High Courts in reverence. I am not disposed to treat their request with indifference. My loyalty to them makes me urge that the House should comply with their request. And I hope that in this matter the vakils will

[Mr. J. Baptista.]

be quite as loyal and quite as reverential as the barristers and respect the request from the High Courts. Upon this ground and this ground alone I will support the amendment.

The Honourable Sir Alexander Muddiman : Sir, I have seldom seen the House exhibiting so much zest in exchanging personal criticisms as in this discussion—an attitude which does not promise to be as favourable to the union of the Bar under the measure as one would have hoped. I beg Honourable Members to consider the matter seriously. There is no point in arguing the merits of the different branches of the profession, at any rate, not by *argumentum ad hominem* as has been done by the previous speakers.

The object of this Bill is, as far as possible, to bring the Bar and the Judges together and to make them feel that they are branches of one great profession, but this debate has hardly moved in that direction. I must tell the House what would happen if this motion for circulation were carried. This Bill will lapse. Well, we spent a lot of labour on it. It has passed the Select Committee stage. It has been considered by the Select Committee, and concerning the Report of that Committee, I shall have to say a few words in a moment. It has got to that stage. This House is about to be dissolved, and the result, if this motion were accepted, of that dissolution would be that this Bill would lapse. We will have to start it again. We will have to introduce a new Bill in a new Assembly; and therefore, unless there was strong reason, the obvious balance of advantage is against the dropping of the Bill which would destroy much valuable work that has been done.

Now, this is a Bill with which neither of the contending parties are entirely satisfied. That is one of the reasons why we have so many minutes of dissent. They are not minutes of dissent in the true sense, but they are minutes of dissent from the moderate opinion, the balance of the opinion of the Committee from the extreme view of the two contending parties, and therefore I claim that the Bill on the whole should commend itself to moderate opinion.

Now, I have heard one argument for circulation which has a certain cogency. It is said that new matter has been inserted in the Bill, and that is true in respect of two sub-clauses. They are the clauses which deal with seniority and pre-audience. They were not in the Bill, and they were inserted in the Select Committee. Diwan Bahadur Rangachariar is quite correct when he says that they were in the Report, but they were certainly not in the Bill, and they were not circulated to High Courts. As regards the rest of the Bill, I do not think there is any dispute that everybody has had a chance of expressing their views on the Bill and they have done so, although the Bill in its present form would not, I think, commend itself to the Calcutta High Court, we have gone a long way to meet their wishes, and I think we have substantially met the views of the Bombay High Court. I am not at all willing to throw away some years of work, nor am I willing at this stage to defer to the clamour which really I feel should have been raised much earlier. But I am prepared,—I am not prepared to do anything more than that,—but I am prepared to delete the two new clauses regarding seniority and pre-audience in the Bill and circulate them as a separate matter to the High Courts for their opinion, and, if necessary. I will bring in an amended Bill to reinsert

them in the law after this Bill has been passed. That will entail no delay at all because *ex-hypothesi* this Bill cannot be brought into force until the first rules have been made by the High Court and that will take some time and no doubt, as Honourable Members know, the scheme of the Bill is such that it will be brought in section by section as the required machinery is set up. I think long before the required machinery is set up we shall have the clauses back from the bodies concerned. I should myself feel happier in that I had obtained the comments of these High Courts before any such provisions were finally inserted in the Bill. Now, I make that offer in the interests of composing the differences between the contending parties. I think it is not an unfair offer. It meets every possible case there is for recirculation and it enables my friends who are opposing recirculation to agree to what I hope is a graceful concession which will tend to reconcile the contending parties. If the proposition commends itself to the House, I shall be glad. If it does not, then of course I must adhere to the view I have expressed in the Select Committee's Report and oppose the motion for recirculation.

Sir Hari Singh Gour : Sir, I accept the offer made by the Honourable Member that the new clauses added by the Select Committee.....

The Honourable Sir Alexander Muddiman : I may explain, Sir,—perhaps I have not explained how I should give effect to the suggestion I made. I should give effect to it by opposing at the consideration stage those two sub-clauses. That will give the House an opportunity to express its opinion.

Mr. President : The original question was :

“ That the Bill to provide for the constitution of Bar Councils in British India and for other purposes, as reported by the Select Committee, be taken into consideration.”

Since which the following amendment has been moved :

“ That the Bill as reported by the Select Committee be recirculated for the purpose of eliciting further opinions thereon.”

The question I have to put is that that amendment be made.

The motion was negatived.

Mr. President : The question is :

“ That the Bill to provide for the constitution of Bar Councils in British India and for other purposes, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Mr. President : The question is :

“ That clause 2 do stand part of the Bill.”

Sir Hari Singh Gour : Sir, I have been requested by Lala Lajpat Rai....

Mr. President : The question is :

“ That clause 2 do stand part of the Bill.”

Sir Hari Singh Gour : Sir, I have been requested by Lala Lajpat Rai, in writing to move the amendment which stands in his name.

Mr. President : Will the Honourable Member cite any provision in the Standing Orders or the Rules authorising one Member to move an

[Mr. President.]

amendment standing in the name of another Member ? I am perfectly prepared to accede to the Honourable Member's request if he will satisfy me on the point when the particular clause is reached.

Clauses 2 and 3 were added to the Bill.

Mr. President : The question is :

“ That clause 4 do stand part of the Bill.”

Mr. K. C. Neogy : Sir, I beg to move :

“ That sub-clause (3) of clause 4 be omitted.”

Honourable Members will find that clause 4 lays down the constitution of the Bar Councils. The total strength is laid down at 15, one of whom shall be the Advocate General, 4 shall be persons nominated by the High Court and 10 shall be elected by the advocates of the High Court from amongst their number. The condition that sub-clause (2) imposes is that of these 10 elected members, 5 shall be persons who have for not less than 10 years been entitled as of right to practise in the High Court. Thus far the clause is unexceptionable. Although so far as the High Courts of Madras, the United Provinces, the Punjab, Bihar and Burma are concerned there is to be no further restriction, sub-clause (3) lays down certain additional restrictions for the Bombay and Calcutta High Courts, and by my amendment I seek to remove those additional restrictions and want to place the High Courts of Bombay and Calcutta on the same level with the High Courts of Madras and other places. Sir, I have failed to understand why it is that throughout this Bill we find an anxiety on the part of the Government to treat these two High Courts of Bombay and Calcutta on a privileged footing. There is one circumstance of which I am aware and that is their conservatism. Government have not yet succeeded in getting these two High Courts to agree to a reasonable measure of reform which the Indian Bar Committee advocated. That is the reason why this Legislature is now asked to lay down special restrictions with regard to the composition of the Bar Council for these two High Courts. Sir, as the clause which I seek to remove from the Bill originally stood, there was no distinction sought to be made between the members to be elected on the ground of their being either barristers or non-barristers. The original sub-clause (3) was to this effect :

“ Of the elected members of the Bar Councils to be constituted for the High Courts of Calcutta and Bombay, such proportion as the High Court may direct in each case shall be persons who have, for such minimum period as the High Court may determine, been entitled to practise in the High Court in the exercise of its original jurisdiction.”

This proviso was bad enough in all conscience, but it has been rendered far worse by the addition of the words that appear in the Bill as amended. Sir, I am prepared to concede that so far as the practice and procedure obtaining on the Original Side of the High Court is concerned, there may be some justification for ensuring a representation of people who are entitled to practise on that side. But, Sir, need we leave the proportion of such numbers to be fixed by the two High Courts themselves ? We do not know what proportion will be fixed by each High Court. We do not know whether justice will be done to the entire body of advocates. We do not know whether the claims of the two rival branches of the profession will be satisfied. Sir, it will be said, I know, that so far as Calcutta is concerned,

about 150 vakils have been already admitted under the rules framed by that High Court as advocates authorised to practise on the Original Side. I know that there is some apprehension in certain quarters that if the representation of barristers is not specifically provided for, then vakil advocates might swamp the Councils. Sir, here again I desire to point out that so far as this apprehension is concerned, it would have been absolutely groundless even with the wording as it stood in the original clause, because we find that the High Court was in the original sub-clause authorised not only to prescribe a proportion of the people authorised to practise on the Original Side, but also to lay down the period for which these gentlemen had been authorised to practise on the Original Side. With regard to the 150 vakils who have been enrolled as advocates, their standing on the Original Side barely exceeds one year, and the Calcutta High Court has got in its hands the authority to prescribe a longer period to guard itself against any possible risk which evidently has prompted this restricting clause. Sir, not content with that, the Select Committee has imposed a further restriction; and although the Government stand committed to the principle of the unification of the Bar, we find that in this clause alone they provide for the separate representation of barristers as a class on the Bar Council. I do not know in what way my Honourable friend, the Home Member, is going to defend that. Does this additional restriction make for the unification of the Bar? Sir, I am authorised by the Vakils' Association of Calcutta to enter a strong protest against the manner in which the Government are seeking to impose perhaps a majority of barristers on the Bar Council to be constituted for Calcutta, who would have control over professional questions so far as the vakils also are concerned. Sir, I have pointed out in my minute of dissent that I cannot be a party to this amending clause, because in practical working it may place the vakils in Calcutta under the absolute domination of the barristers. Sir, my Honourable friend, the Home Member, is well aware that there is a sort of rivalry between these two sections. I am not going to conceal that fact from this House. And if as a result of this legislation, a Bar Council is constituted with a standing majority of barristers, although out of the total number of advocates and vakils who have to elect the Bar Council, there may be a very large majority of vakils, does my Honourable friend think that if in these circumstances a Bar Council constituted on these lines is imposed on Calcutta, it would be able to function smoothly, which I dare say is the intention of my Honourable friend? Sir, we find that in an amended clause the Advocate General has been made the *ex officio* Chairman of all Bar Councils. I do not object to that, but it must be remembered that the Chairman will also have a casting vote in the event of there being an equality of votes. So we start with practically two votes. First of all, that are given to the Advocate General, who invariably is a barrister in Calcutta. Then, Sir, we come to the four to be nominated, of whom not more than two may be nominated by the Judges of the High Court. I do not know whether of the four two or even three would not be barristers.

An Honourable Member : That depends on the Calcutta High Court.

Mr. K. C. Neogy : Then of the ten, five are to be members authorised to practise on the Original Side with a sufficient standing. From this group, again, I maintain, as far as can be seen, the vakils would be altogether ousted, as a matter of practice in Calcutta by barristers. So we get five barristers and one Advocate General—six or seven votes certain, and we do not know how many of the four nominated would be barristers.

An Honourable Member : May be, all

Mr. E. C. Neogy : From all that I know, the attitude of the Calcutta High Court does not altogether allay my suspicions that this body will be dominated by barristers. And I in this amendment of mine want to enter a strong protest against the manner in which the Government are seeking first of all to impose a majority of the barrister element in the Calcutta Bar Council, and, in the second place, to maintain permanently a distinction between barristers and non-barrister advocates, which Government stand committed to remove.

Sir P. S. Sivaswamy Aiyer : Sir, I rise to move the amendment which stands in my name. My amendment is not so drastic as the amendment of my Honourable friend Mr. Neogy, but at the same time it is a slight improvement upon the existing clause.

Mr. President : Order, order. The Honourable Member will have the opportunity of moving his amendment after we dispose of the amendment now in hand. Sir Alexander Muddiman.

The Honourable Sir Alexander Muddiman : Sir, I do not know why it is that whenever my Honourable friend, Mr. Neogy, addresses this House, I always have the feeling that he is speaking with much greater violence than the case requires. He is, as I was, an officer of the Calcutta High Court, and I think in any criticism he makes on the clauses in the Bill he should be careful to observe that respect which is due to the Court of which he is an officer.

The main criticism made by the Honourable Member on the Bill is that it would enable the Calcutta High Court, if they were intent on misapplying the clause, to provide an overproportion of barristers on the Bar Council. I should not like myself certainly to take the view that the Calcutta High Court are in the least likely to misapply the powers which we are placing in their hands. The clause, as it stands, carries out the recommendation of the Select Committee and it is, to my mind, a very suitable and desirable clause, though I would at once say that I am quite prepared to accept the amendment of my friend Sir Sivaswamy Aiyer which, I think, meets a difficulty which I have not previously considered. I therefore advise the House to reject Mr. Neogy's amendment.

Mr. President : The question is :

"That sub clause (3) of clause 4 be omitted."

The amendment was negatived.

Sir P. S. Sivaswamy Aiyer : Sir, I beg to move the amendment which stands in my name :

"That in sub-clause (3) of clause 4, for the words 'not less than one-half of the total number of such persons shall be barristers of England' the following words be substituted :

'such number as may be fixed by the High Court out of the said proportion shall be barristers of England or Ireland'."

The House will realise that the Honourable the Home Member is anxious as far as possible to adopt a conciliatory attitude towards the High Courts and carry the High Courts with him in this legislation. That is an attitude which I think we can all appreciate. My amendment in no way interferes with that position, and the only effect of my amendment is this. The original sub-clause (3) of clause 4 provided for a fixed propor-

tion of not less than one-half out of the proportion referred to in the earlier part of the sub-clause.

According to the first part of the sub-clause it is open to the High Court to direct that a certain proportion of the elected members shall be persons who practise on the Original Side. The latter part of this sub-clause, as it stood, provided that out of such proportion not less than one-half shall be barristers of England or members of the Faculty of Advocates in Scotland. Now, it is recognised that the barrister element in the High Courts may not be maintained at its present strength and may probably undergo some diminution of strength. It is, therefore, desirable not to fix a definite proportion like one-half or a definite minimum, but to leave it entirely to the High Court to say how many out of the proportion already fixed shall be barristers. My amendment proceeds on the footing that it is better to leave it to the High Court to determine this proportion from time to time as it thinks fit. The only other point aimed at in my amendment is that the original clause made no provision for barristers of Ireland. According to the Government of India Statute barristers of Ireland are among those who are eligible for appointment to high offices. As there are barristers of Ireland practising in the High Courts, there is no reason why they should be omitted. These are the two objects, which I have in view in moving my amendment. I submit that it is not so drastic as the amendment moved by my friend Mr. Neogy. It is an improvement upon the existing draft and at the same time it leaves the matter in the hands of the High Courts. I commend it for the acceptance of the House.

The Honourable Sir Alexander Muddiman : As I said before, I think, Sir, subject to any verbal alterations that the draftsman may think fit, the amendment is one which might be accepted by the House.

Mr. President : The question is :

“ That in sub-clause (3) of clause 4, for the words ‘ not less than one-half of the total number of such persons shall be barristers of England ’ the following words be substituted :

‘ such number as may be fixed by the High Court out of the said proportion shall be barristers of England or Ireland ’.”

“ The motion was adopted.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Sir, I beg to move :

“ That to sub-clause (3) of clause 4 the following words be added :

‘ and such barristers of England or Ireland or members of the Faculty of Advocates of Scotland shall be elected by the barristers of England and Ireland and members of the Faculty of Advocates of Scotland enrolled in such High Courts ’.”

Sir, if the election be by the whole body of advocates, then the barristers will have to seek the suffrage of non-barristers ; the latter being in larger number will dominate the election. Such barristers as are of their way of thinking will have predominance. From that point of view, the representatives chosen really by the pleaders will not truly represent the special interests of the barristers. Therefore, I submit that the election of barrister members to the Bar Council should be confined only to barristers. The amendment moved by my friend Sir Sivaswami Aiyer has already been accepted by the House. That amendment says that they want at least one-half of the other class of members to belong to the Bar Council. Therefore, Sir, it is in conformity with that amendment that the barristers should be elected by

[Mr. K. Ahmed.]

their own votes. Sir, I have been supported in this behalf by the Calcutta Bar as well as the Advocate-General of Bengal. I submit, Sir, that this amendment does not interfere with the elections of the other class. I move, Sir, that this amendment be accepted.

The Honourable Sir Alexander Muddiman : Sir, I have considered Mr. K. Ahmed's proposal with some care. He aims apparently at establishing a communal electorate within the Bar Council. I think, Sir, the High Court will be in a position to keep the balance even by its power of nomination, and I have no reason to believe that the joint electorate will not elect suitable candidates. For that reason I oppose the amendment.

The motion was negatived.

Clause 4, as amended, was added to the Bill.

Mr. President : The question is :

“ That clause 5 do stand part of the Bill.”

Mr. K. Ahmed : Sir, I move :

“ That sub-clause (1) of clause 5 be omitted.”

There is no reason why the pleaders who have not even been made advocates should be allowed to vote in the matter of the constitution of the first Bar Councils. It is obvious from the provisions of clause 5, sub-clause (1) that on the first day, when the elections will be held pleaders will have the right of election, and there is no reason why when they have not even been made advocates they should choose barristers as members of the Council.

I move my amendment, Sir.

The Honourable Mr. S. R. Das (Law Member) : Sir, I oppose the amendment. I am afraid my Honourable friend has not really understood the clause, otherwise he would not have moved this amendment. If the clause is omitted, I do not see how the first Bar Council will be elected at all. This clause merely provides that the first Bar Council shall be elected from among advocates, vakils and pleaders, because at that time they had not been made into advocates. I accordingly oppose the amendment.

The motion was negatived.

Clauses 5, 6 and 7 were added to the Bill.

Mr. President : The question is :

“ That clause 8 do stand part of the Bill.”

Sir Hari Singh Gour : Sir, I move :

“ That sub-clauses (3) and (4) of clause 8 be omitted.”

I think in moving my amendment I fall in with the views of the Honourable the Home Member that these clauses be for the present deleted from the Bill and that the High Courts and the public may be consulted on these two clauses and, if necessary, the Government would bring forward an amending Bill. For these reasons I move for their deletion.

The Honourable Sir Alexander Muddiman : Sir, in order to facilitate the passage of this Bill I threw out that suggestion and I feel that I should be happier if the House omitted these clauses. I will undertake to send them to the High Courts and get their opinion and, if those opinions are favourable, or if in our opinion these clauses are necessary, I shall bring in an amending Bill at the next Session. I hope the House will accept this compromise.

Diwan Bahadur T. Rangachariar : I cannot help regretting the decision of the Home Member in this matter ; he has shown a weakness. The Home Member happens to be weak only in matters which concern others ; but when it concerns the Executive's powers he is firm.

The Honourable Sir Alexander Muddiman : The good of the country.

Diwan Bahadur T. Rangachariar : I am glad he has given an assurance that the matter will be looked into carefully. But I do not see why the High Courts should be troubled with this clause over and over again, when the Government of India have accepted the recommendations of the Bar Committee. I fail to see what the Government are going to circulate again. Let us wait and see ; even if I am not here, others will take care of it.

Sir P. S. Sivaswamy Aiyer : Sir, I wish to make one or two remarks with reference to what has fallen from the Home Member. He does not now wish to proceed with sub-clauses (3) and (4). What remains is that the High Court is bound to maintain a roll of advocates, but in what order will it make a roll of advocates ? There must be some provision to guide the High Court in regard to the order. Sub-clauses (3) and (4) laid down the principles and, if these sub-clauses are now omitted, I do not know in what order the High Court will be expected to prepare the roll. This is my difficulty with regard to the position which has been taken by the Honourable the Home Member and I would ask him to consider the matter.

The Honourable Sir Alexander Muddiman : Sir, the point of my Honourable friend will be met. Before this Bill is brought into force we should have received the result of our consultation and I shall have to bring in some kind of amendment to meet the point which the Honourable Member foresees.

Mr. President : The question is :

“ That sub-clauses (3) and (4) of clause 8 be omitted.”

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Mr. President : The question is :

That clause 9 do stand part of the Bill.”

Mr. S. C. Ghose (Bengal : Landholders) : I move, Sir :

“ That in sub-clause (1) of clause 9 the words ‘ The Bar Council may with the previous sanction of ’ be omitted, and after the words ‘ the High Court ’ where they first occur the word ‘ shall ’ be inserted.”

I think the Judge's supreme power should not be interfered with. The questions dealt with in these are really matters for the High Court and not the Bar Council. Mr. Langford James, an eminent member of

[Mr. S. C. Ghose.]

the Calcutta High Court, said that the matters specified in this clause ought to be dealt with by the Court, which also frames the rules. If the High Court does not frame the rules, there is no provision for the making of such rules. The High Court have already framed rules which are very satisfactory, and the Calcutta High Court has already admitted 150 vakils as advocates, and their seniority ranks from the date of their enrolment as vakils.

I agree with the High Court that it would be disastrous if the High Court were to surrender its existing jurisdiction as regards this matter.

Mr. K. Ahmed : Sir, I beg to support the amendment. I have the greatest pleasure in supporting it because justice is now at stake. Sir, the High Court is always respected by us and before the Honourable Judges other sections of the vakil advocates also bow down and they should accept their decisions. If their views are not accepted and if their orders are not carried out, I fail to see, Sir, how the government of the country can be carried on, for in that case there will be great difficulty in the administration of justice.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I think the Honourable Member's point is met by the provision that the rule shall be made with the previous sanction of the High Court.

Mr. President : The question is :

“ That in sub-clause (1) of clause 9 the words ‘ The Bar Council may with the previous sanction of ’ be omitted, and after the words ‘ the High Court ’ where they first occur the word ‘ shall ’ be inserted.”

The motion was negatived.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadian Rural) : Sir, I beg to move :

“ That for sub-clause (3) of clause 9 the following be substituted :

‘ (3) Rules made under this section shall provide—

- (a) that no woman shall be disqualified for admission to be an advocate by reason only of her sex ; and
- (b) that no person shall be disqualified for admission to be an advocate by reason only of his not being domiciled in any particular province in British India .”

The House will see that so far as sub-clause (a) of my amendment is concerned it reproduces the existing provision of sub-clause (3). The addition that I seek to make is that one's domicile shall not be treated as a disqualification for admission as an advocate. I will at once tell the House that I have got in my mind one particular instance. I have got in my hand here the rules relating to the admission of advocates and pleaders in Burma ; and what do I find ? The rules relating to the qualifications and admission of advocates lay down that the advocates shall all be persons who are entitled to practise as a barrister in England or Ireland and who satisfy certain conditions. I do not find domicile in Burma laid down as a condition of the admission of advocates. If a barrister is domiciled, however, in Burma, he is entitled to certain exemptions from some of the restrictions laid down here.

But when we come to the rules relating to the qualification and admission of pleaders, who, or at least a section of whom, are entitled to practise in the High Court, we find that domicile is one of the essential conditions of enrolment as a pleader of the High Court. Sir, I daresay the Honourable the Home Member will sympathise with me when I say that here is a distinction which cannot be allowed to remain. Now every person entitled to practise in the High Court will henceforth be enrolled as advocates, and the distinction between advocates and pleaders entitled to practise in the High Court is no longer to exist so far as the High Court of Rangoon is concerned. Yet here is a material distinction which the rules lay down. I want to know whether it is the intention of Government that this distinction should be allowed to remain, although in other respects the distinction is going to be removed. Sir, this clause relates to the framing of rules by the Bar Council regarding the admission of advocates, and what I intend is that among the rules there should be one which should lay down that so far as future enrolment of advocates is concerned non-domicile in Burma should not be a disqualification only in the case of non-barristers. Sir, there is a similar amendment of mine to another clause which deals directly with the existing rules of the High Court, but I will come to that later. I hope the Honourable the Home Member will see that, unless he accepts this amendment, he cannot claim that he is removing the distinctions between barristers and non-barrister advocates so far as the High Court of Rangoon is concerned.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I do not follow my Honourable friend. Under the new law the Bar Council will make the rules. Does my Honourable friend wish to take away from that body the power of making their own rules ?

Mr. K. C. Neogy : My Honourable friend has laid down a particular rule regarding the disqualification of women. That again is a subject which may very well be regulated by the Bar Council !

The Honourable Sir Alexander Muddiman : That is perfectly true, but women stand on a very different footing to other classes. There was a general demand made by this Legislature that women should be eligible for all kinds of offices and we have embodied that in the law ; but to restrict the power of the Bar Council in other matters is, I think, going too far. I am against it.

Sir Hari Singh Gour : Sir, I should like to support the Honourable the Home Member on two grounds, that the Bar Council before making rules for the admission of persons as advocates will pay due regard to linguistic qualifications. If for instance in the High Court of Rangoon the Bar Council find that an advocate should know the Burmese language does my friend suggest that they should be debarred from making a rule of that kind ?

Mr. K. C. Neogy : What about women then ?

Sir Hari Singh Gour : My Honourable friend asks " What about women ? " The answer he will find in the Act known as the Removal of Sex Disqualifications Act....

Mr. K. C. Neogy : Why repeat it here ?

Sir Hari Singh Gour : And it was repeated here because the Select Committee thought that that disability might somehow *volens volens* find

[Sir Hari Singh Gour.]

a place in the rules made by a Bar Council, and by way of greater caution the provisions of the Removal of Sex Disqualifications Act have been embodied here. If my friend had been present in the Select Committee I have no doubt he would have understood that that was the reason. The other question which he has raised stands on a different footing, and I think the Bar Councils must possess sufficient latitude to make rules which they consider in consonance with the wishes of the local Bar and in agreement with the rules made by the High Courts in the various Provinces.

Mr. K. C. Neogy : I only want to ascertain the wishes of this House on the point.

Mr. President : The question is :

“ That for sub-clause (3) of clause 9 the following shall be substituted :

‘ (3) Rules made under this section shall provide—

- (a) that no woman shall be disqualified for admission to be an advocate by reason only of her sex ; and
- (b) that no person shall be disqualified for admission to be an advocate by reason only of his not being domiciled in any particular province in British India ’.”

The motion was negatived.

Mr. K. C. Neogy : Sir, I beg to move :

“ That sub-clause (4) of clause 9 be omitted.”

The House will see that this sub-clause seeks to exempt the High Courts of Bombay and Calcutta, so far as their original jurisdiction is concerned, from the operation of this particular clause, with the result that the Bar Council will be powerless to frame rules regulating the conditions of admission of advocates entitled to practise on the Original Side of these two High Courts. I am very sorry the Honourable the Home Member has left the Chamber just at this moment, because I wanted to refer to certain observations of his in connection with another amendment of mine. Sir, when we come to this House as the elected representatives of the people, we have got to forget that we are officers of any High Court or any other institution. We have got to discharge our duties to the best of our abilities and according to the dictates of our conscience. Sir, I do not know whether the Honourable the Home Member having been an officer of the Calcutta High Court.....

Sir Walter Willson : On a point of order, Sir, is the Honourable Member in order in referring on this amendment to a previous clause and what the Home Member said in reply to a previous clause ?

Mr. President : I am not prepared to rule that the Honourable Member is out of order in this particular case. He takes the first opportunity of answering the general observations of the Home Member which equally apply to this amendment also.

Mr. K. C. Neogy : The argument is the same. I am going to oppose the proposed exception of the two High Courts of Calcutta and Bombay from the operation of certain clauses of this Bill. The Honourable the Home Member expects that, while we criticise the High Courts, we must not forget that he and I were officers of the Calcutta High Court. Sir, I very much hope that the Honourable the Home Member has not been influenced in framing this sub-clause by the fact that he had some connection at some time or other with the Calcutta High Court.

Sir Hari Singh Gour : What about the Bombay High Court ?

Mr. K. C. Neogy : I very much regret to say this when the Honourable the Home Member is away from the Chamber. Sir, I wish further to say that when we address arguments we want to hear arguments in reply, and not merely that the Honourable the Home Member is not in a position to accept this or that amendment. I daresay this House has heard very little from the Honourable the Home Member in reply to some of the arguments addressed from this side of the House in regard to certain amendments. I wish to know from him the reason why he is going to exempt the two High Courts of Calcutta and Bombay from the operation of this clause. That is the point on which I want to hear him.

Sir, the Honourable the Home Member criticised me for having used what he described as violent language. Sir, if he knew the attitude that the High Court of Calcutta has throughout maintained towards this question, he would have sympathised with me, and I daresay that the Honourable the Law Member knows something about the history of the great struggle that vakils have put up for years together for a recognition of their primary rights. Sir, the Indian Bar Committee, which was presided over by an eminent *ex-Judge*, and on which, if I may say so, there was an over-representation of the barrister element, certainly did not recommend that in any measure which the Government might bring forward, the High Courts of Bombay and Calcutta should be treated differently from the rest and that they should not be subjected to any legislative restrictions which might be imposed on other High Courts. I therefore wish to know why this sub-clause has been added.

The Honourable Mr. S. R. Das : Sir, I oppose this amendment on behalf of Government. The Bar Committee in paragraph 33 of their report made certain recommendations with regard to vakils practising on the Original Side. They suggested that vakils of not less than ten years' standing should be admitted at once, that vakils of less than five years' standing shall similarly be entitled to be admitted after they have read for one year with an advocate, approved by the Court, practising on the Original Side, and that vakils of less than five years' standing shall similarly be entitled to be admitted on the same terms and subject to the same restrictions. This particular Bill does not deal with those recommendations at all. It is not intended that this Bill should deal with those recommendations, and I believe my Honourable Colleague, the Home Member, in introducing the Bill did point out that this Bill was not intended to deal with all the recommendations which the Bar Committee have made.

Mr. K. C. Neogy : Why not ? That is my point.

The Honourable Mr. S. R. Das : At any rate, it does not propose to deal with them.

Mr. K. C. Neogy : No reason ?

The Honourable Mr. S. R. Das : The reason why this sub-clause is put in there is to make it quite clear that this Bill does not intend to deal with that part of the recommendations of the Bar Committee. I believe the Honourable the Home Member said that those recommendations would be considered subsequently, and that he would take such measures as he might consider necessary. But this Bill is not intended to deal with those recommendations, and this sub-clause has been put in for the purpose of that fact being made quite clear. I therefore oppose this amendment.

Mr. President : The question is :

“ That sub-clause (4) of clause 9 be omitted,”

The motion was negatived.

Diwan Bahadur T. Rangachariar : Sir, I beg to move :

“ That in sub-clause (4) of clause 9 between the words ‘ shall ’ and ‘ be ’ the words ‘ till the 1st January 1935 ’ be inserted.”

Sir, the object of this amendment is to give effect to the recommendations of the Bar Committee which gave its most earnest and anxious consideration to this vexed question both in Bombay and in Calcutta. It was by way of a compromise that we came to the conclusion that the privileges which certain persons enjoy after their enrolment should not be taken away lightly.

Sir Hari Singh Gour : They have been already taken away.

Diwan Bahadur T. Rangachariar : So far as the Original Side is concerned, we did not want to abolish altogether the existing rules of practice which prevailed there, for people had put themselves to the expense of going to England and being called to the Bar and they enjoyed certain privileges of practice on the Original Side of the High Court, and in these cases we wanted to give them time for the progressive disappearance of this discordant element. And before making our recommendations the Honourable the Law Member then was Advocate General of the Calcutta bar, and he fought his best in the Committee and we on the other side also put our view point of the case, that this apple of discord should be removed at once ; but out of deference to the persistent and insistent advocacy of the Law Member in committee, we agreed to a compromise. I say, Sir, it is always dangerous to agree to a compromise. If a person holds a view he should stick to it. For if once you agree to a compromise, they take away everything. That is always the fate of a compromise, especially with the Government of India. The Government of India always say : “ You have already conceded so much, now we will take away some more,” and that unfortunately is the attitude they have adopted in this case. But there was some statement made by the Law Member just now that the Government of India are still considering bringing forward some measure in a suitable manner to give effect to these recommendations regarding this question of dual agency.

The Honourable Mr. S. R. Das : I think what I said was that I understood that my Honourable colleague the Home Member had said that he was considering the other recommendations which have not been incorporated in this Bill and he would consider whether it was necessary to bring in a measure.

The Honourable Sir Alexander Muddiman : The promise I made to the House, I think, was that as soon as this Bill was passed, I would see what was left to be done in the Report and if any other action, legislative or otherwise, was necessary.

Diwan Bahadur T. Rangachariar : Will this recommendation of the Bar Committee to put a gradual elimination to this distinction in these two High Courts and leave it to the Bar Councils to decide be considered ?

The Honourable Sir Alexander Muddiman : That will be considered. I am not prepared to say it will be favourably considered.

Diwan Bahadur T. Rangachariar : I do not expect that, though on the merits I am entitled to that consideration. But if the Government of India are going to consider this question of equality to all separately, I shall be satisfied. I can assure the Honourable Member that this is giving considerable cause for irritation both in Bombay and Calcutta. Many thoughtful people there are anxious that this inequality should be done away with.

The Honourable Sir Alexander Muddiman : I can give the Honourable Member an assurance that the matter will be taken into consideration.

Diwan Bahadur T. Rangachariar : In that case, Sir, I will not press this amendment because I want this modest measure to come into law. I do hope the Government will give their earnest consideration to this matter also because I know from personal knowledge that this is the real cause of the trouble.

Mr. President : Does the Honourable Member ask leave to withdraw his amendment ?

Diwan Bahadur T. Rangachariar : Yes, Sir. In view of the statement made by the Honourable the Home Member, I ask leave to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

Clause 9 was added to the Bill.

Mr. President : The question is :

“ That clause 10 do stand part of the Bill.”

Mr. S. C. Ghose (Bengal : Landholders) : Sir, I beg to move :

“ That in sub-clause (2) of clause 10 the word ‘ either ’ and the words ‘ or after consultation with the Bar Council to the Court of a District Judge (hereinafter referred to as a District Court) ’ be omitted.”

I do not think, Sir, that the holding of inquiries should be referred to a District Court at all. I am fortified in my view by the opinion of the Calcutta High Court Judges, including Mr. Justice Mukherji, and the members of the Bar and the Vakils' Association and the Incorporated Law Society that this power should not be given to the District Judge. So I move my amendment.

The Honourable Mr. S. R. Das : Sir, I oppose this amendment on behalf of Government, and on this very short ground. As will be seen from the clause, as it stands, it is for the High Court, after consultation with the Bar Council, to consider whether they should refer the particular matter for investigation to the District Court or to the Bar Council. Now, the reference to the District Court can only arise where the facts of a particular complaint have to be investigated away from Calcutta. If the facts are to be investigated at Rungpur, it is not possible, or at least it will be very inconvenient, if the Bar Council were to inquire into that complaint with the result that witnesses may have to be brought from Rungpur to Calcutta. This would involve a great deal of expense. The whole idea is that it should be left to the High Court in a particular case to consider, after consulting the Bar Council, whether the particular inquiry should take place in Calcutta by the Bar Council or in the District by the District Court. The District Court only makes the inquiry and

[Mr. S. R. Das.]

reports its result to the High Court and it is after all the High Court which finally decides upon the complaint.

Mr. S. C. Ghose : It is very expensive, Sir.

The Honourable Mr. S. R. Das : Therefore, I do not think there is any ground for the apprehension which my learned friend has given expression to. I therefore oppose the amendment.

Mr. President : The question is :

"That in sub-clause (2) of clause 10 the word 'either' and the words 'or after consultation with the Bar Council to the Court of a District Judge (hereinafter referred to as a District Court)' be omitted."

The motion was negatived.

Clause 10 was added to the Bill.

Mr. President : The question is :

"That clause 11 do stand part of the Bill."

Mr. K. Ahmed : Sir, I beg to move :

"That to sub-clause (2) of clause 11 the following proviso be added :

"Provided that when the enquiry is with regard to any alleged misconduct of a barrister of England or Ireland or a member of the Faculty of Advocates of Scotland, the tribunal shall consist of judges of the High Court and barristers of England and Ireland and members of the Faculty of Advocates of Scotland only."

Sir, my reason for this amendment is that barristers are governed by the rules of etiquette of the Bar in England. With regard to any act of misconduct or any unprofessional conduct he would naturally prefer to be tried by his own peers, that is, the Benchers in England and other barristers of England, Scotland and Ireland, not by a mixed tribunal containing non-barristers, who are not governed by the rules of the General Bar Council. In connection with this Bill, Sir, I heard the word "Barbar" for the first time when on the last day I was attending the Bar Council Committee to settle the report; the Secretary then brought the report with the Bill as it was amended, and the word "Bar" was twice printed before the word "Council" by the printer's devil. The Honourable the Home Member said that the words were "Bar Council" but the words that were printed there were "Bar Bar Council". I agreed that it is going to be so. But, Sir, let us take this question seriously. By this Bill we are going to give too much power to pleaders and vakils. These pleaders are going to call themselves advocates, and these pleaders, within the provinces of Bengal and Bombay, as I have heard from my Honourable friend Mr. Jinnah, will have the right of pre-audience. That question is of course reserved for some other day in the next Session. They will have the right of instructing the barristers. The barrister is something like a limping, miserable, down-trodden person, because he has crossed the English Channel, because he was called to the Bar in England, and he, Sir, a man of many years' standing. Look at the dozens and dozens of vakils who went to England and were called to the Bar and are now practising in the Calcutta High Court. What will be their position? They will be junior to those vakils who are really junior to them.

Mr. President : Order, order. The Honourable Member is wholly irrelevant.

Mr. K. Ahmed : I am simply feeding the grounds, Sir, why I am justified in contending that the barristers cannot be governed by a

tribunal which is a mixture of vakils and pleaders. The vakil goes to the Police Court and acts and pleads there. He wants to dress himself with the beautiful gown of England and a band ; then he goes next to the Municipal Magistrate's Court, and then he goes to the High Court of Judicature at Fort William in Bengal, for instance. (Laughter.) There he says, " Here is a barrister who has to be instructed ". And that barrister is a limping, helpless man and cannot speak a word without instruction. What is this machinery, Sir, you are going to put up ? Isn't that worse than handcuffs ? Will the Honourable Members present in this Assembly, representing their constituencies and discharging their responsible duties, allow such kind of legislation to be passed in this Assembly ?

Mr. President : Order, order. The Honourable Member must confine himself to the amendment before the House. If he cannot do so, he had better resume his seat.

Mr. K. Ahmed : I move my amendment, Sir. I am, Sir, within the four corners of my right in moving my amendment, and I will only say, Sir, that it is a painful thing that a Bill of this description has been taken up for the purpose of passing it.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, there is only one word in reply to my Honourable friend. The tribunal is to be appointed by the Chief Justice, and I think we may be quite sure that the Chief Justice will see that its composition is suitable.

Mr. President : Does the Honourable Member (Mr. K. Ahmed) wish the Chair to put the question ?

Mr. K. Ahmed : Yes, Sir.

Mr. President : The question is :

" That to sub-clause (2) of clause 11 the following proviso be added :

' Provided that when the enquiry is with regard to any alleged misconduct of a barrister of England or Ireland or a member of the Faculty of Advocates of Scotland, the tribunal shall consist of judges of the High Court and barristers of England and Ireland and members of the Faculty of Advocates of Scotland only '."

The motion was negatived.

Clauses 11, 12 and 13 were added to the Bill.

Mr. President : The question is :

" That clause 14 do stand part of the Bill.

Mr. K. C. Neogy : Sir, the amendment which stands in my name and which I desire to move is to the following effect :

" That in sub-clause (1) of clause 14, after the word ' practise ' where it occurs for the first time, the words ' by appearing, pleading or acting ' be inserted."

Sir, I am not very much enamoured of my own draft. The point which I wanted to advance in this connection is that the compulsory dual system as it obtains on the Original Side of the Calcutta and Bombay High Courts should be abolished. But I do not think that it is any use advancing arguments in support of my amendment, having regard to the attitude taken up by the Honourable the Home Member. So far I have failed to elicit any reasons in reply to what arguments I have been able to adduce in respect of some of my amendments. That is because he is conscious of the majority he has got at his back to-day. He has got a very

[Mr. K. C. Neogy.]

soft corner in his heart for the Calcutta High Court. Anything that affects that High Court prejudicially I think he will stoutly resist. Sir,

5 P. M.

I am prepared to stand by the recommendations of the Indian Bar Committee as a whole, although I am not satisfied with their recommendation about the continuance of the dual system on the Original Sides of these two High Courts. And my intention in giving notice of this amendment was to enter a formal protest against the tampering with those recommendations, which the Government are doing. If you stand by the recommendations as a whole, I am with you. If you are whittling them down in any material respects, I do not see why I should agree to the continuance of the dual system in these two High Courts. Sir, as arguments are making the Honourable the Home Member more and more impatient, I want to enter a formal protest against the maintenance of the dual system in Calcutta and Bombay.

The Honourable Sir Alexander Muddiman : If the Honourable Member does not advance any arguments, he can hardly expect me to reply.

Diwan Bahadur T. Rangachariar : It is wholly unnecessary to introduce the amendment. "Practise" includes all these things, unless it is restricted. On the other hand, my Honourable friend is casting a doubt upon the meaning of the expression.

Mr. President : The question is :

"That in sub-clause (1) of clause 14, after the word 'practise' where it occurs for the first time, the words 'by appearing, pleading or acting' be inserted."

The amendment was negatived.

Clause 14 was added to the Bill.

Mr. President : The question is :

"That clause 15 do stand-part of the Bill."

Mr. S. C. Ghose : Sir, I beg to move :

"That in clause 15 for the words 'A Bar Council may, with the previous sanction of the High Court for which it is constituted' the words 'The High Court may' be substituted."

I agree with the Bengal Government and the Calcutta High Court that no case has been made out for giving Bar Councils power to make rules for legal education. I think the Judges should be left to make such rules as they may think fit, and these rules should be made by the High Court and not by the Bar Council.

The motion was negatived.

Mr. K. Ahmed : Sir, I beg to move :

"That to sub-clause (a) of clause 15, the following be added, namely :

'and that the respective robes prescribed by the Inns of Court for barristers of England or Ireland or members of the Faculty of Advocates in Scotland, and by the High Court of Judicature at Fort William in Bengal and other High Courts for vakils and pleaders, be worn by them respectively'."

I thought, Sir, that Indians had also a tradition in their own country and in their Bars, and I believe, Sir, that many of them are orthodox and they have their Indian traditions behind them. The Honourable High Court of each province has prescribed, Sir, a kind of court dress for vakils

and pleaders. What business have pleaders and vakils, who have been permitted in Calcutta—150 of them already have become advocates in the High Court of Calcutta, Sir,—to dress themselves as barristers? There is a reference from the Benchers of the Inns of Court to which I have already made a reference in my minute of dissent in the following terms :

“In view of the fact that the principle hitherto adopted by the Government is to follow Reforms gradually, it would be rather unwise to do away with the distinction of the English barristers and the vakil advocates, at the present juncture. The Benchers of the Inns of Court have already sent their opinion through their Council in England, that the robe of the English barristers cannot be worn by the advocates of India, as it would amount to misrepresentation for the Indian advocates to dress themselves as English barristers and appear to be so before the litigant public. Imitation of a trade mark even is not allowed in any country as legal, and the adoption of a barrister's gown and band by the vakil advocates would not only be improper but illegal. This Bill should have definitely decided about it.”

Now, this Assembly has heard that more than 150 vakils have been admitted as advocates in the Calcutta High Court. Sir, their ambition was that they would be well fitted of the High Court to work side by side with the barristers in the Original Side. I had an opportunity of seeing the advancement of this class who have this high ambition behind them. I find that within the course of the last year, since when they have been admitted as advocates by the Honourable Judges of the Calcutta High Court, they have not been able to do anything to better themselves, so that they may look like barristers only and the majority of them have, without any justification or without any rhyme or reason, adopted the dress of the barristers. Now, Sir, they will go to the Police Court, they will go to the Municipal Magistrate's Court and act and plead there ; and they will have to talk to all sorts of men on the road to take instruction from them and these advocates under this Bill will pass themselves off as barristers at the same time. (Laughter). If we have our traditions behind us as Indians, why should we not follow the dress that has been prescribed by our respective High Courts? Why does my Honourable friend, though not at all ambitious to adopt English ideas, try to imitate the dress of barristers and pass himself off as such and thus misrepresent himself to the litigant public. This is a thing which they should not have done. Therefore, Sir, is it fair for my friend Mr. Neogy or Mr. Rangachariar to put on some one else's gown and band instead of their own indigenous dress, and pass off as barristers?

Diwan Bahadur T. Rangachariar : As my Honourable friend has referred to me by name, I may tell him that I do not wear a barrister's robes at all. I have got my own robes which I wear with dignity, honour and prestige.

Mr. K. Ahmed : I am much obliged to my Honourable friend and I hope my friend Mr. Neogy will follow Mr. Rangachariar, instead of posing as a barrister.

Mr. President : Order, order. The Honourable Member must be more dignified in the manner of his speech.

Mr. K. Ahmed : I would, Sir, quote the opinion of Mr. Langford James, who is a leader of the Calcutta Bar, and whose opinion was invited by the Government. He says :

“I cannot believe that such matters could be more efficiently dealt with by the proposed composite bodies than under the present arrangement and such provisions

[Mr. K. Ahmed.]

might easily lead to bad feeling and friction between barrister advocates and the vakil and attorney advocates. A certain amount of bad feeling has unfortunately already been fostered by the ill-advised choice of barristers' robes for new advocates."

He further says :

"The practical result of the change in the distribution of work has been negligible in spite of the fact that vakils and attorneys so admitted as advocates have been permitted to wear barristers' gowns and bands and thus tacitly pass themselves off on the litigating public as barristers. The change has therefore so far not impaired the strength or position of what is known as the Calcutta Bar, which is a body exclusively composed of barristers who are not at all concerned in any way with the newly admitted non-barrister-advocates."

That is the situation, Sir, after the advent of these vakil-advocates. In this connection my friend was also quoting a certain authority of 1921 when Munshi Iswar Saran's Resolution was under discussion. My Honourable friend is no longer in the Assembly. There is also the opinion of my friend, Khan Bahadur Syed Sarfaraz Hussain Khan, M.L.A., which I do not like to repeat. The certificate is there. Look also at the certificate given by Mr. D. K. Mitra, who was the District Magistrate and was our colleague in 1921 ? Look at what Mr. Norton has said about this ? Look at the opinions of the other High Courts. Look at what the High Courts of Calcutta and Bombay have said about it ? What friction, what difficulties and what misrepresentation have been made, as I have already described, quoting my authority for the same.

Now I move this amendment with the idea, Sir, that the Honourable Judges of the High Court, who have discretion in this matter, might see for themselves, though they see with only one eye shutting the other one, just as I fear that people even in this Assembly throw mud at others, both inside and outside. That has been the characteristic of our Indian Legislature and the Indian people and the politics of this country. I move my amendment, Sir.

The motion was negatived.

Clauses 15 and 16 were added to the Bill.

Mr. President : The question is :

"That clause 17 do stand part of the Bill."

Mr. S. C. Ghose : (Bengal : Landholders) : Sir, I move :

"That in clause 17 after the words ' legal proceedings ' the words ' for damages ' be inserted."

I agree that no suit or legal proceedings should lie against a Bar Council. But supposing there are cases in which a Bar Council refuses to allow a candidate for examination wrongfully and the candidate under Habeas Corpus moves the High Court for admission. I know of some cases in which the High Court interfered regarding the refusal to admit candidates for examination. There are reported cases. I think the power of the High Court should not be curtailed in this respect.

Sir P. S. Sivaswamy Aiyer : Sir, in drafting this clause the words " for damages " were deliberately omitted, and the reason was this. The Bar Council is charged among other things with the duty of providing facilities for the education and training of law students. Honourable Members are aware that sometimes proceedings are taken in court by aggrieved persons or persons imagining themselves to be aggrieved against

University authorities for an injunction that some examination be held or not held, or for a declaration that they have passed a particular examination. Now the object of this clause is to provide against any vexatious proceedings of that kind by way of injunction. Proceedings of that kind cost a very large amount to the Universities, and I am sure that they will cost a large amount to the Bar Council also if they are allowed to be taken. The object of this clause is to protect the Bar Council in all action taken by them in good faith and to prevent any legal proceedings, for injunction or declaration as well as for recovery of damages. This is the reason for wording the clause in large terms.

The Honourable Mr. S. R. Das : I oppose the amendment. I do not think I need add anything to what has fallen from Sir Sivaswamy Aiyer. Those are the grounds for which this clause was added, and the words "for damages" were intentionally left out.

Mr. President : The question is :

"That in clause 17 after the words 'legal proceedings' the words 'for damages' be inserted."

The motion was negatived.

Clauses 17, 18 and 19 were added to the Bill.

The Schedule was added to the Bill.

Mr. President : The question is :

"That clause 1 do stand part of the Bill."

With regard to this question I may point out to the House that there are on the paper some amendments standing in the name of Lala Lajpat Rai. The House will remember that Sir Hari Singh Gour, when I put clause 2, asked permission to move these amendments. As a matter of fact they are to clause 1 and not to clause 2. As neither Lala Lajpat Rai nor Sir Hari Singh Gour is here, I put the question.

The motion was adopted.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman : Sir, I move formally that the Bill be passed. If the House wish to have a debate on this motion, I suggest we adjourn. If they do not, I suggest they allow the Bill to pass.

Mr. President : The question is :

"That the Bill be passed."

Mr. K. Ahmed : Sir, I rise to oppose the passing of the Bill.

Mr. President : The Honourable Member might reserve his remarks for to-morrow.

Mr. K. Ahmed : I am very much obliged to you, Sir.

The Assembly then adjourned till Eleven of the Clock on the 27th August, 1926.

LEGISLATIVE ASSEMBLY.

Friday, 27th August, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

RIVAL UNIONS ON THE NORTH WESTERN RAILWAY.

217. ***Khan Bahadur W. M. Hussanally :** (a) Are Government aware that the North Western Railway Union (recognised) has failed in a law court to obtain a declaration to the effect that the said Union was entitled to manage and control the affairs of the North Western Railway Union ? If so, do Government propose to recognize the Union of Messrs. Miller and Khan ? If not, why ?

(b) What is the membership of the recognized Union and what is the membership of the Union of Messrs. Miller and Khan ?

Mr. A. A. L. Parsons : (a) The answer to the first part of the question is in the affirmative, to the second in the negative and to the third that this is a matter for the Agent to decide.

(b) The Government have no information.

CONTRACTS FOR BUILDING AND PAINTING WAGONS AND COACHES ON THE NORTH WESTERN RAILWAY.

218. ***Khan Bahadur W. M. Hussanally :** Are Government aware that in the Mughalpura shops on the North Western Railway contracts for building wagons and painting carriages and wagons have been given to contractors ? Is it a fact that the work done by the contractors has been found unsatisfactory and imperfect so far as the quality is concerned ? Do Government propose to appoint a Committee to inspect the work so far done by the contractors ?

Mr. A. A. L. Parsons : (a) Contractors have been employed for building some coaches and painting coaching and goods stock. No contract has been let for the building of wagons.

(b) The work done by the contractors has not been found unsatisfactory or imperfect, Government do not propose to appoint a Committee to inspect the work.

PAYMENT OF GRATUITIES TO STRIKERS DISCHARGED BY THE NORTH WESTERN RAILWAY.

219. ***Khan Bahadur W. M. Hussanally :** Are Government aware that the strikers offered themselves for duty and that many of them were not taken back for want of vacancies and were discharged from service ? Is it a fact that such strikers who were under 15 years of service have,

been refused gratuity while the gratuity rules provide that it will be paid to all men who are not wanted by the Railway whatever the length of their service ? Do Government propose to ask the Agent, North Western Railway to pay gratuity to such employees discharged as was paid to the staff during retrenchment ?

Mr. A. A. L. Parsons : I would invite the Honourable Member's attention to the reply given by Mr. Sim in February last to question No. 730 by Mr. Acharya.

ACTION TAKEN ON THE REPORT OF THE INDIAN TERRITORIAL AND AUXILIARY FORCES COMMITTEE.

220. ***Mr. K. C. Roy :** Will the Government be pleased to make a full statement regarding action hitherto taken and contemplated regarding the Report of the Shea Committee on the Territorial and Auxiliary Forces ?

Mr. E. Burdon : I am afraid I have little to add to the reply which I gave on the 18th instant to parts (a) and (b) of starred question No. 48. Local Governments and Local military authorities were consulted and on the basis of the very full and valuable opinions which were received the Government of India formed the conclusions which are now before the Secretary of State.

PROPOSED INDIAN NAVY.

221. ***Mr. K. C. Roy :** Will the Government be pleased to state what progress has been made in connection with the scheme for the creation of the proposed Indian Navy ?

Mr. E. Burdon : The attention of the Honourable Member is invited to the latter portion of the reply given by me in this House on the 18th instant to starred question No. 49.

The administrative preparations have made very satisfactory progress indeed.

Mr. K. C. Roy : Might I ask the Army Secretary when the Parliamentary legislation may be expected to be brought in ?

Mr. E. Burdon : I am expecting a communication on that subject almost any day but actually I have not yet heard.

Mr. K. C. Neogy : And also the legislation in the Legislative Assembly for naval discipline ?

Mr. E. Burdon : That of course must await the completion of the necessary legislation at Home, but we are putting the matter in train.

BAN ON PANDIT MADAN MOHAN MALAVIYA'S VISIT TO CALCUTTA.

222. ***Mr. K. C. Roy :** Will the Government be pleased to state whether its previous sanction was obtained either formally or informally to the issue of the ban on Pandit Malaviya's projected visit to Calcutta this month ?

The Honourable Sir Alexander Muddiman : No.

RESERVATION OF A DEFINITE PROPORTION OF APPOINTMENTS IN THE INDIAN CIVIL SERVICE AND THE ALL-INDIA SERVICES FOR MEN IN THE PROVINCIAL SERVICES.

223. ***Mr. K. C. Roy** : Will the Government be pleased to state what action they have taken on the Resolution passed by the first Legislative Assembly and the recommendation made by the Lee Commission, regarding a definite proportion of appointments to the Indian Civil Service and the other all-India Services being set aside for men in the Provincial Services ? Have Government considered the desirability of adopting these recommendations and putting a stop to direct nominations ?

The Honourable Sir Alexander Muddiman : As regards the Indian Civil and Indian Police Services, I would refer the Honourable Member to the replies given to questions (Nos. 148 and 377) asked by Rai Bahadur Girischandra Nag and Mr. W. M. Hassanally on the 15th September 1921 and 17th September 1924, respectively, and to the information furnished in reply to questions (Nos. 1371 and 38) asked by Messrs. K. C. Neogy and B. Venkatapatiraju on the 23rd March and 18th August, 1926, respectively.

Of the other All-India Services to which recruitment is still made, the Commission's recommendations in respect of the Indian Forest Service are still under consideration, though in Provinces where the subject of "Forests" is transferred the Local Governments have been empowered to make their own arrangements for recruitment.

The Commission's recommendations as regards the Indian Service of Engineers have, with one minor modification in respect of the Buildings and Roads Branch in Madras, been accepted and carried into effect.

The recommendations in respect of the Indian Medical Service involve the transfer of certain provincial medical appointments which are now held by Indian Medical Service officers to the Provincial Civil Medical Services of the future. It is not possible to say at this stage how many appointments will thus be thrown open either to direct recruitment or to men promoted from the cadre of Assistant Surgeons.

On the subject of nomination I would refer the Honourable Member to the concluding passage of my speech in the Council of State on the Resolution moved by the Honourable Saiyid Raza Ali on the 2nd of March, 1925. The Commission made no recommendation for the abandonment of recruitment by this method.

PREMATURE PUBLICATION BY THE *Pioneer* OF EXTRACTS FROM THE MEMORANDUM OF THE FINANCIAL COMMISSIONER FOR RAILWAYS.

224. ***Mr. K. C. Neogy** : (a) Has the attention of Government been drawn to the telegram, dated 12th August appearing in the *Pioneer*, of August 14, from its Simla correspondent, publishing important extracts from the memorandum of the Financial Commissioner for Railways a day before that memorandum was placed before the members of the Standing Finance Committee for Railways ?

(b) If so, will the Government explain how this publication occurred and do Government propose to consider the desirability of preventing such premature disclosures before the Standing Finance Committee has had an opportunity to discuss the various proposals submitted for its consideration ?

Mr. A. A. L. Parsons : The memorandum referred to was circulated to Members of the Standing Finance Committee before it was given to the Press,—about a fortnight before I think. It was given to the Press on the day before the meeting on the distinct understanding that it would not be published till after the meeting. This understanding, the Government observe, has been kept, as the paragraph appeared in the paper on the day after the meeting.

1. RELEASE OF POLITICAL PRISONERS.

2. REMOVAL OF DIFFICULTIES IN THE WAY OF THE RETURN TO INDIA OF INDIAN EXILES IN FOREIGN COUNTRIES.

225. ***Lala Duni Chand :** (a) Will the Honourable the Home Member be pleased to state what action he or the Government has taken on the motion for the immediate release of all political prisoners detained without trial and for taking steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries, adopted on 26th January 1926 ?

(b) Is the Honourable the Home Member aware that in his speech on the above motion he was good enough to say, " I have tried to meet this Resolution in a friendly spirit ", and if so, will he be kind enough to inform the House by giving facts to what extent and in what manner he has been able to give effect to his desire of meeting the Resolution in a friendly spirit ?

The Honourable Sir Alexander Muddiman : (a) I have explained fully in the course of the debate, as I have done on several other occasions, why the Government of India were unable to give effect to the recommendations contained in the Resolution.

(b) If the Honourable Member will be good enough to read my speech on the occasion, he will, I think, do me the justice to admit that it was, as I claimed, conceived in a friendly spirit.

RECENT CASE OF DACOITY AND MURDER IN DELHI.

226. ***Mr. S. C. Ghose :** (a) Has the attention of the Government been drawn to the judgment delivered by Mr. S. L. Sale, Sessions Judge of Delhi, in the police dacoity and murder case as reported in the *Englishman* of the 16th July ?

(b) Will the Government state what steps, if any, have been taken to prevent the enrolment of potential and future robbers as police constables in the Delhi area, and the conversion of police quarters as the rendezvous of bad characters ?

The Honourable Sir Alexander Muddiman : (a) Yes.

(b) The antecedent and character both of recruits and their near relations are carefully scrutinised. A certain standard of education is required from every candidate, and all recruits are passed by the Senior Superintendent of Police personally. Particular attention is also paid to the antecedents and character of private servants and other non-policemen living in or visiting the Police lines.

IMPOSITION OF A HEAVY DUTY ON FOREIGN YARNS.

227. ***Mr. S. C. Ghose** : (a) Will the Government state if it is the intention of the Government to impose a heavy duty on foreign yarns ?

(b) Has the attention of the Government been drawn to the letter addressed to the Editor of the *Statesman* by Mr. S. C. Chakravarti, the managing Proprietor of the Chatra Cottage Industrial Works, and published in the *Statesman* of the 7th July as regards the proposed duty on foreign yarns ?

Mr. A. A. L. Parsons : The Government have seen the article referred to. The terms of reference to the special Tariff Board have already been published in the Gazette of India. If the Honourable Member will refer to them, he will find that the Tariff Board has been directed to investigate the condition of the cotton textile industry in India and that they have been specially directed in any recommendations they may think it necessary to make to take into account not merely the interests of the consumer but all other interests affected. The Government of India have no doubt that the Tariff Board will listen carefully to any representations that may be made by the representatives of the hand-loom industry in India.

GRANT OF RELIEF TO RETURNED EMIGRANTS FROM FIJI, SURINAM AND BRITISH GUIANA.

228. ***Mr. S. C. Ghose** : (a) Will the Government state what help, if any, has been rendered by the Government of India to the returned Indian emigrants from the Colonies of Fiji, Surinam and British Guiana ?

(b) If no help has been rendered, are Government prepared to consider the question of helping those who were allowed to emigrate as coolies to the Colonies ?

Mr. J. W. Bhore : In 1921 the attention of the Government of India was drawn to the distressing conditions under which certain returned emigrants from the Colonies of Fiji, Trinidad, Surinam and British Guiana were living in the neighbourhood of Calcutta, and the Government of India made a grant of Rs. 10,000 to a friendly society which was specially formed to help the repatriates in question. By the end of November 1921, it was considered that the special problem for which the Committee had been called into being no longer existed and it was therefore dissolved. Recently references were made in the Press to the prevalence of discontent among returned emigrants in Calcutta and the Government of India asked the Government of Bengal to inquire into the matter. They have been informed that there are about 800 repatriates from the various colonies living in the neighbourhood of Calcutta. There is no evidence that there is any destitution among them. On the contrary, almost all of them are said to have found employment in the docks and local mills and a few are earning quite good wages. Their discontent is said to be due to the comparatively lower wages that they get in this country for work similar to that done in the Colonies—and the restricted social life of India. The question of permitting such of these repatriates as can be assisted to return to the Colonies under section 2 (1) (b) (i) of the Indian Emigration Act, VII of 1922, is receiving consideration. Government do not consider that any other action on their part is required at present.

REMOVAL OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS FROM CALCUTTA TO DELHI.

229. ***Mr. S. C. Ghose** : (a) Will the Government state what was the reason for removing the offices of the Director General of Posts and Telegraphs from Calcutta to Delhi ?

(b) Will the Government state the extra expenditure involved by this move ?

The Honourable Sir Bhupendra Nath Mitra : (a) The present separation of the Director General from his office by a distance of 900 miles is an obvious administrative inconvenience which has been felt increasingly since the transfer of the Government of India to Delhi in 1912.

(b) Approximately 2 lakhs in 1926-27.

Diwan Bahadur T. Rangachariar : May I ask does this involve an exodus to Simla also of this office ?

The Honourable Sir Bhupendra Nath Mitra : No, Sir.

OFFICIAL PARTICIPATION OF INDIA IN THE EASTERN ASIA EXHIBITION IN JAPAN.

230. ***Mr. S. C. Ghose** : (a) Do Government propose to participate officially in the Eastern Asia Exhibition to be held at Fukuoka City, Kiushu, Japan, from March to May 1927 in order to popularize Indian goods in Japan ?

(b) If so, do Government propose to bring this Exhibition to the notice of the local administrations ?

Mr. A. A. L. Parsons : The Government have not been invited to participate in the Exhibition nor has it been officially brought to their notice. The question of taking any action in the direction suggested by the Honourable Member does not therefore arise.

SELECTION OF CANDIDATES FOR THE ROCKEFELLER FOUNDATION FELLOWSHIPS.

231. ***Mr. S. C. Ghose** : (a) Will the Government state if it is a fact that the managing Committee of the Rockefeller Foundation in America asked the Government of India to select six candidates from India to specialize in medicine ?

(b) If the answer is in the affirmative, will the Government state whether four candidates were selected instead of six, and if so why ?

(c) Will the Government state why no candidate was selected from Bengal ?

(d) Will the Government state why two candidates were selected from Madras ?

Mr. J. W. Bhore : (a) No. Selections for these fellowships are made by the Executive Committee of the International Health Board (Rockefeller Foundation) Fellowships on the recommendation of their own representative in India. The Government of India on the advice of their Scientific Advisory Board forwarded eight names to the Board's representative in India and of these only four were selected by the Committee of the Board.

(b) — (d). Do not arise.

Dr. K. G. Lohokare : May I know where this representative is located and the name of the person ?

Mr. J. W. Bhore : I do not think he has a permanent location in this country. I think his name was Dr. Huizer and he was on a visit to India when the selection was made.

THE SOUTH AFRICAN COLOUR BAR BILL.

232. ***Mr. S. C. Ghose :** Will the Government state what steps are being taken by the Government now that the Colour Bar Bill has been passed by the South African Parliament ?

Mr. J. W. Bhore : The Government of India made certain representations, and the result was published in a Press Communiqué, dated the 4th June, 1926, to which the Honourable Member's attention is invited.

POPULARIZATION OF DRINK AMONG INDIAN SOLDIERS.

233. ***Mr. S. C. Ghose :** (a) Will the Government state in how many Indian regiments wet canteens have been opened for the purpose of popularizing drink among Indian soldiers, and the names of the regiments ?

(b) Will the Government state why this step has been taken ?

(c) Is it a fact that many distinguished soldiers have protested against this step ?

Mr. E. Burdon : (a) The literal answer to this part of the question is " In none ". It is not the policy of Government nor would it tend to efficiency to create a demand for alcohol among soldiers where none existed before. I would, however, invite the attention of the Honourable Member, in connection with this part and parts (b) and (c) of the question, to the reply given to starred question No. 1546 on the 11th of June 1924. To that reply I need only add that the Army Canteen Board (India) no longer runs any " wet " canteens for Indian troops.

PAY AND ALLOWANCES OF MEMBERS OF THE PADDISON DEPUTATION TO SOUTH AFRICA.

234. ***Mr. S. C. Ghose :** (a) Will the Government state what pay and allowances were given to the members of the deputation which visited South Africa this year on behalf of the Government of India ?

(b) Will the Government state what was the total cost of sending the last deputation to South Africa ?

Mr. J. W. Bhore : A statement giving the information required has been placed in the Library of the House.

NAMES OF MEMBERS OF THE RAILWAY RATES ADVISORY COMMITTEE, AND THEIR PAY AND ALLOWANCES.

235. ***Mr. S. C. Ghose :** (a) Will the Government state the names of the persons who compose the Railway Rates Advisory Committee, and the pay and allowances drawn by them ?

(b) Will the Government state the qualifications of the persons who have been appointed members of the Railway Rates Advisory Committee, and what knowledge they have of railway rates and fares ?

(c) Will the Government state what work is now being done by the members of the Railway Rates Advisory Committee ?

Mr. A. A. L. Parsons : (a) and (b). The Honourable Member is referred to paragraph (2) of the Railway Department's Resolution No. 606-T., dated the 25th March 1926, which was published in part I of the Gazette of India of the 27th March.

As regards the commercial representative a panel has been prepared of 65 individuals nominated by principal commercial bodies.

The pay and allowances drawn are as follows :

- (1) Sir Narasimha Sarma—pay Rs. 4,000 per mensem.
- (2) Mr. S. D. Manson—pay Rs. 3,000 per mensem.
- (3) Commercial Representative—Rs. 100 per day while sitting on the Committee.

(c) The Railway Rates Advisory Committee are now in Calcutta engaged in collecting and studying information on the subject of rate, pending the submission to them of applications as authorised by the Resolution 606-T. of 25th March 1926.

Mr. K. Ahmed : Will the Government be pleased to state if they will save anything on this principle of payment of Rs. 100 a day to the commercial member in comparison to the Rs. 3,000 per mensem drawn by the expert member, Mr. Manson ?

Mr. A. A. L. Parsons : Certainly, Sir. The commercial representative is only appointed to deal with particular cases as may be required. He may not have to sit for a whole month.

Mr. K. Ahmed : What is the justification then for the other member to draw Rs. 3,000 a month instead of getting Rs. 100 a day ?

Mr. A. A. L. Parsons : He is an official expert in tariff rates.

Mr. K. C. Neogy : May I know how many cases have been received by Government for reference to this body and have been actually referred to them so far ?

Mr. A. A. L. Parsons : There is a question about that coming on later, the answer to which I have not got here ; but at present I think we have received only one case which is under consideration.

Dr. K. G. Lohokare : Do Government expect to give this House an opportunity of seeing the proceedings of the Railway Rates Advisory Committee ?

Mr. K. C. Neogy : They have no work.

Mr. A. A. L. Parsons : I must ask for notice.

APPOINTMENT OF THE SECOND TARIFF BOARD TO ENQUIRE INTO THE COTTON INDUSTRY.

236. **Mr. S. C. Ghose :** (a) Will the Government state what was the reason for forming another Tariff Board to enquire into the cotton industry in India ?

(b) Will the Government state the pay and allowances paid to the members and Secretary of the new Tariff Board ?

(c) Will the Government state if anything is being done by the cotton millowners for the welfare of the operatives ?

Mr. A. A. L. Parsons : The President of the Tariff Board referred to by the Honourable Member receives Rs. 4,000 a month and the members Rs. 3,000 a month each. The Secretary gets his grade pay plus certain allowances. For the rest of the Honourable Member's question, I must refer him to the Resolution appointing the Board which was published in the Gazette of India of 12th June last and to which I have nothing to add.

CONSTRUCTION BY THE ROYAL CALCUTTA TURF CLUB OF A SIDING TO THE RACE COURSE AT BARRACKPORE.

237. ***Mr. S. C. Ghose :** (a) Will the Government state if it is a fact that the railway authorities are constructing a special railway line of 2 miles (together with a station) to the race course at Barrackpore ?

(b) If the answer is in the affirmative, will the Government state the estimated cost for the construction of this line, and if it has been considered whether the railway line would pay ?

Mr. A. A. L. Parsons : (a) The answer is in the negative ; but Government understand that the Royal Calcutta Turf Club have constructed a siding of about 1 mile (together with a station) to the race course at Barrackpore at their own expense.

(b) Does not arise.

PROVISION OF ELECTRIC LIGHTS AND FANS IN FIRST AND SECOND CLASS CARRIAGES ON THE BENGAL AND NORTH WESTERN RAILWAY.

238. ***Mr. S. C. Ghose :** (a) Will the Government state if all the first and second class carriages on the Bengal and North Western Railway are now fitted up with electric lights and fans ?

(b) Do Government propose to consider the desirability of bringing to the notice of the authorities of the Bengal and North Western Railway the question of accelerating the trains on that railway system ?

Mr. A. A. L. Parsons : (a) All passenger stock on the Bengal and North Western Railway is fitted with electric lights. With the exception of four wheeled stock running on unimportant short branches, all first and second class carriages are fitted with fans.

(b) This is a matter which should be brought to the notice of the Agent, Bengal and North Western Railway, through his Local Advisory Committee.

TRANSFER TO THE GOVERNMENT OF BENGAL OF A PORTION OF THE JUTE TAX.

239. ***Mr. S. C. Ghose :** (a) Do Government propose to consider the desirability of handing over to the Government of Bengal a portion of the jute tax for the purpose of eradicating malaria and kala-azar from the province of Bengal ?

The Honourable Sir Basil Blackett : I see no reason for so extreme a departure from the terms of the Meston Settlement in favour of a particular province.

SAFETY OF THE FOOTBOARD OF THE LOCAL TRAINS OF THE GREAT INDIAN PENINSULA RAILWAY.

240. ***Mr. S. C. Ghose :** (a) Has the attention of the Government been drawn to the rider of the jury at the Coroner's Court in Bombay (as reported in the *Englishman* of the 17th July) that the footboards of the local trains of the Great Indian Peninsula Railway were not as safe as they ought to be, and hoped that the authorities would look into the matter ?

(b) Will the Government state if any compensation has been paid by the Great Indian Peninsula Railway to the student of the Bombay School of Arts who was crushed between a train and the platform at Victoria Terminus in July last ?

Mr. A. A. L. Parsons : (a) Yes. The Agent will no doubt consider the matter.

(b) Government have no information.

DEDUCTIONS FROM THE WAGES OF WORKMEN IN RESPECT OF FINES.

241. ***Mr. S. C. Ghose :** (a) Will the Government state why time has been granted to the local administrations till the 1st March 1927 to send information as regards the question of deductions from the wages of workmen in respect of fines ?

(b) Will the Government state if three months' time was not sufficient for sending information ?

(c) After the receipt of information on the 1st March 1927, will the Government state how many months will it take for the Government to take steps, if any, for stopping this practice on the part of employers ?

The Honourable Sir Bhupendra Nath Mitra : (a) The Government of India considered it desirable to allow Local Governments ample time to consult the interests concerned.

(b) No.

(c) I am quite unable to say. The question of the steps to be taken must obviously depend upon the nature of the information received by the Government of India in reply to their letter.

MUSLIMS IN THE OFFICE OF THE DIVISIONAL SUPERINTENDENT, EAST INDIAN RAILWAY AT MORADABAD.

242. ***Maulvi Muhammad Yakub :** (a) Is it a fact that in the Divisional Superintendent's office, East Indian Railway, at Moradabad, out of 16 officers there is only one Musulman, out of 90 higher class members of the staff there are only 3 Musulmans, out of 200 clerks there are only 25 Musulmans and out of 9,000 menials and other lower class servants there are only 2,000 Musulmans ? If the figures given above are not correct, what are the correct figures ?

(b) Has the Government of India's Office Memorandum of the Home Department No. F.-176/25-Estbs., dated the 5th February 1926, been communicated to the Divisional Superintendent, East Indian Railway, at Moradabad, and if not, do Government propose to communicate the Memorandum to the officer mentioned above and direct him to give effect to the provisions contained therein ?

(c) Is it a fact that in the Divisional Superintendent's Office, East Indian Railway, at Moradabad, in some cases the Mussalman members of the staff though seniormost in respect of the period of service and pay were made junior to the Hindus ?

(d) How long has the present Office Superintendent of the Divisional Superintendent's Office, East Indian Railway been at Moradabad ? Do not the ordinary rules of transfer apply to the post of an Office Superintendent ?

(e) Is it a fact that when the Divisional Superintendent, East Indian Railway at Moradabad took one month's leave in June last, his Office Superintendent also went on leave during that period ?

Mr. A. A. L. Parsons : (a) to (c). The Government have no information either about the composition of the Divisional Superintendent's Office at Moradabad or about the time the present Office Superintendent has held his appointment or whether that Office Superintendent took a month's leave last June. The Agent of the East Indian Railway has been made aware of the policy of Government in respect of the representation of minority communities in the services, but naturally it must take time for a policy of this kind to show results. A copy of the question and answer will be sent to the Agent.

Maulvi Muhammad Yakub : Do Government propose to direct the Agent, East Indian Railway, to hold a searching inquiry into the matter and inform the Railway Board of the result of the inquiry ?

Mr. A. A. L. Parsons : No, Sir.

THE INDIAN BAR COUNCILS BILL—*contd.*

Mr. President : The House will now resume consideration of the motion of the Honourable Sir Alexander Muddiman that the Bill to provide for the constitution of Bar Councils in British India be now passed.

Mr. L. Graham (Secretary, Legislative Department) : Sir, before the general discussion on this motion begins I should like to move a consequential amendment arising out of the amendment accepted by the House yesterday in clause 8 on the motion of my Honourable friend, Sir Hari Singh Gour. On his motion on clause 8 we took out sub-clauses (3) and (4), and my motion, Sir, is that the consequential re-numbering be made, that is to say, that sub-clauses (5), (6) and (7) of clause 8 be re-numbered sub-clauses (3), (4) and (5), respectively.

The motion was agreed to.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Sir, I was objecting to the passing of the Bill yesterday and now, Sir, I thank you for allowing me to do the same this morning. My points are quite

[Mr. K. Ahmed.]

clear and I shall state them one by one. No law is a law recognised by the country unless it is passed by the people of that country. It does not receive the assent of the King (here the Viceroy) unless it is passed accordingly in the Parliament of that country. Here, Sir, you have many authorities who are against the passing of the Bill. You see almost all the associations of the country are against it. Look at the Bengal Chamber of Commerce and look at the prominent members of that body who utilise the services of these pleaders, vakils or barristers. If the masters do not want them, why should the servants intrude in their service? What business have they to come here and dress themselves and say that they are very handsome people? Now, let us see what the Honourable the Judges of the High Court say. Let us take the first High Court, the High Court of Judicature at Fort William in Bengal. The Calcutta High Court says that they do not want this Bill; they consider it to be quite unnecessary. This is the opinion of the Honourable Judges of the Calcutta High Court whose duty is to dispense justice. Mind you, they are High Court Judges before whom vakils and pleaders and even barristers have to appear. In those circumstances, are you going to compel the Honourable Judges of the High Court to accept this Bill when they say that they do not want a measure of this kind? Are you going to tell them, "No, you must accept this Bill", when they say that they do not want it? Does it lie in the mouth of any Honourable Member here, whether he is a vakil, pleader, or advocate (A Voice: "Or a barrister") or a barrister, if you like, to say that this Bill should be passed?

Then, Sir, take the Bengal Chamber of Commerce. Let us also take the other sections of the Indian people, I mean the landholders. Now, what does the Landholders' Association say about this? Look at an experienced man like Raja Rishicase Law, who is the Secretary of the Bengal Landholders' Association. His son is a vakil. He says, I think, that the landholders do not want this measure, that the Bar Councils Bill should not be passed.....

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Where does he say that?

Mr. K. Ahmed: He says that in so many pages. And if Mr. Neogy happened to be his son, what would have been the result? I would have congratulated him because he would have been his heir, a successor first and then.....

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Probably his grandson is a barrister.

Mr. K. Ahmed: I should not come to that point yet. That is the view, Sir, of the Landholders' Association.

Now, let us see what the British Indian Association says? It is an Association of leading Indians who are responsible to the country. This Association is composed of very highly cultured and enlightened Indians. And what do they say? They all say that they do not want this measure, and that this Bill should not be passed.

Now, let us see what the European Association says about this Bill? As you know, Sir, the Europeans in this country are very clever, they are very enlightened, they have got large interests in this country. Look at

their vast trade and commerce. Compare their trade and commerce with that of the Indian people and see for yourself. What does their Association say about this Bill ? They say that the Bill is so dangerous that even a European barrister will have no chance to practise in the Courts in this country, this Bill will close the door of the Indian Courts against English barristers, and ultimately it will deprive English barristers of the privilege of getting a seat on the High Court Bench, because, as you know, many of the Judges are recruited from English barristers. There are a number of them, they are all very clever Judges, and if I take the names of the distinguished Judges who have adorned the bench of the High Court of Calcutta and shed lustre on it during the last fifty years, every body will tell me to stop this Bill. Mr. Neogy does not know all their names. Shall I utter them ? (*An Honourable Member* : " Yes ".) Look at the names, —Sir Comer Petheram, Sir Barnes Peacock, Sir Richard Couch, Sir Lawrence Jenkins, Sir Charles Paul, O'Kineally, Phillip, Woodroffe, Evans, Pugh, Garth, Gaspher. I do not like to mention all the names, because pages can be covered if I were to enumerate them. I see Mr. Neogy is smiling. He perhaps wants to occupy the position of a High Court Judge, or his friends want to occupy that position. (Laughter.)

You will therefore see, Sir, that the Bengal Chamber of Commerce, the European Association, the Bengal Landholders' Association, and everybody so to say in Calcutta is against the passing of this Bill. (*An Honourable Member* : " What about the Marwari Association ? ") Yes, there is also the Marwari Association, and they are also against this Bill, because they are a commercial body of People. (*An Honourable Member* : " What about the Muslim Association ? ") Representing as I do, Sir, many Muhammadan Associations, and particularly an Association of 85 per cent. of the population of Bengal, the Bengal Jotedars and Ryots' Association, I say they have not been consulted. But if they were consulted, take it from me, Sir, that the members of this Association, the majority, the dumb millions as they are described, who form 85 per cent. of the population in Bengal and who contribute largely to the income of the lawyers—these people are also against this Bill. Most of these pleaders or lawyers are paid by the poor ryots. These people engage a vakil or a pleader who in turn also from time to time instructs a barrister. Now the barristers cannot be engaged by them, because the pleaders and vakils happen to be all advocates, and they will also say, if this Bill is passed, that they have a right of preaudience ; they will say that they also have the same rights and privileges as the barristers who have come out from England : they have got the same band and gown to put on. But the client will say to the pleader, or vakil, " No, no, I never saw you going to England, you are not a barrister. I engaged you last year when a suit was brought against me, and I paid you say Rs. 10 or Rs. 16 ? How can you say now that you are a barrister ? " Then the pleader or the vakil will say, " Look here, my friend, I have also got the right of preaudience, and you must tell all your co-villagers, the members of your Association, about this. "

This is another reason, Sir, why the Bill should not be passed ; you cannot take up legislation piecemeal. You have an important clause, clause 8 and other clauses with regard to the right of pre-audience of lawyers. You have not taken that into consideration yet ; you have postponed its consideration, because the matter has to be referred to the Honourable Judges of the High Court and other Associations, and certainly to the public in India as well. Therefore, Sir, when the majority of the

[Mr. K. Ahmed.]

people of this country say that this Bill should not be passed, that it is not wanted—only some members of the Vakils' Association say that they want this measure, and that it should be passed—what is the hurry in your passing the Bill so soon? My friend Mr. Jinnah was saying yesterday, "Let it be postponed. What is the hurry?" You will feel indigestion, will you not? It will be very difficult for you. You will not be able to show your face to the constituency which you represent or misrepresent. Is this House to-day a representative body? Do the elected Members represent the majority of the people of India? What power have you to pass this Bill in this Assembly to-day? Did you not postpone the Currency Bill? Did you not postpone other Bills? What urgency is there for passing this Bill? It is because the 1 per cent. or half per cent. of people who are interested as against the remaining 99 per cent. want to take advantage of their position here and pass this law. Is it fair? Do you take it in a jocose way? Do you not consider things seriously? You want your few rupees in your pocket. You want now misrepresentation. My position is this and it is not a degraded position. If the other section of the lawyers, Sir, want to be uplifted, in this way, let them help themselves and let them do something when the iron is hot. Let them make hay while the sun shines. They think that a bird in the hand is worth two in the bush. They might do whatever they like, I do not care. Those are my grounds.

Now, Sir, I come to the most important and the serious point for consideration why this Bill should not be passed. You are going to pass in full term the Indian Bar Council Bill as a whole. At the same time, Sir, clause 8 regarding the right of pre-audience of vakils, pleaders, barristers and advocates has been postponed. When that clause was moved in the Assembly yesterday important parties here stood up and said that it should be postponed and Government have accepted that. How can you now proceed with this piecemeal legislation and pass it as a whole when you have postponed the important subject matter of the Bill till the next Session? How can you do that now without considering the other portion? Have you got that power? Is there any logic? Is not there the Honourable the Home Member and the Law Member sitting on the Treasury Bench? The Honourable Members have forgotten themselves to-day and have sold their conscience against justice. They have acted in contravention of the sound opinion of the Honourable Judges of the High Court of Judicature at Fort William in Bengal. They have acted in contravention of the opinion and advice given to them by the Judges of the Bombay High Court. Many other Judges also have given them this opinion. Is the Government Bench going to act according to justice at all? The Bar Council Bill after all is going to be used by the Judges of the High Court, mind you, before whom these Members of the Bar, pleaders, vakils, advocates and barristers, will have to practise. Is it not an insult to justice? You are going to pass a thing which it is impossible for you to pass. You are like a child going to jump and catch the moon in the heavens. That is the position. Will not the people of other countries laugh at you? Will not the people of your constituency, whom you propose to represent here, laugh at you? (*An Honourable friend* : "At whom?") I did not mean my Honourable friend, but the other class of people. (*An Honourable Member* : "Who are they?") Pleaders and vakils, Sir. They want to pass something for their own benefit. I believe

Sir, they do not represent their constituency to-day at least. Sir, it is contrary to the Standing Rules and Orders—if the Members of this Assembly pass this Bill which the next Assembly Members after a fresh election will have to consider. This kind of practice is not followed in the House of Commons, I believe. I say, Sir, this is not law. This is not fair. The Honourable the Home Member is not listening—he is not prepared to listen as he has no answer to it at all. The Law Member finds it difficult for him, because he had already committed himself being a Member of the Select Committee. He is afraid of the interested people. They throw mud at anybody. They were described by my friend Khan Bahadur Abdul Mumin. It was in Delhi, I think, during the winter Session. They are described in his speech. But I have great respect for many Members who are pleaders and vakils who do not belong to that class at whom he fired his gun.

Sir Darcy Lindsay (Bengal : European) : May I suggest to the Honourable Member that if he wants any votes in his favour he should bring his remarks to an early close ?

Mr. K. Ahmed : I am sorry, Sir. My friend is a Chairman of this Assembly who has not yet had a chance of occupying the seat. He wants me to finish. (*Some Honourable Members* : “Go on”. *Khan Bahadur W. M. Hussainally* : “We like to hear you.”) Other Members say, “Go on.” So, there is at least 75 per cent. of opinion in my favour and it is better to please many than to displease one.

Now, Sir, with your permission, I should like to mention why I think this Bill should not be passed. Certainly, Sir, it will lower the status of the Bar. Sir, the Bar is not a profession of piece-goods and the Bar Council Bill is not to be passed for that purpose. The profession of these barristers, vakils and pleaders is not like that of shop-keepers selling potatoes, selling goods and chattels, making a profit out of it. They may take advantage and apply the Trade Unions Act in their own hand, now and in the case of a conspiracy or unlawful assembly they may get the benefit of the doubt.

Maulvi Muhammad Yakub : Let the question be now put.

Mr. K. Ahmed : Now, Sir, my Honourable friend, the pleader of Moradabad, finds his position very awkward. It touches him and so he abuses a Member of this Assembly by shouting “Let the question be now put.” It has been referred to in the debates for this year, about 2½ years ago and also only the day before yesterday I think, I was saying something but he thought it was a different thing altogether, with the result that it was stated by my humble self that “his heart was stronger than his head”. Now, Sir, they are not shopkeepers selling goods and chattels. The profession of law and the position of the Bar is something different. A barrister who is practising, Sir, in Bengal or in Bombay has to be instructed by a pleader or a vakil, otherwise he cannot appear before a Judge and argue the case. But now, Sir, all these pleaders and vakils are going to be advocates. Their power and privileges will be just the same as that of barristers. My friend here says, “What harm”. My friend is a leading landholder of the province that he comes from and I understand that he engages a number of barristers, but unfortunately that is in Bihar and Orissa. Sir, we barristers from Bengal without the instruction of pleaders or vakils cannot appear and argue and under the present Bill some advocate will have to instruct us.

Mr. President : If the Honourable Member continues much longer, we will be without a quorum.

Mr. K. Ahmed : Sir, I will not be long, only a minute more. Now, Sir, what is proposed is to make the barristers hopeless and helpless. That is what the Bill proposes, that the people who are the leaders of this profession are to be degraded to a hopeless and helpless position. Now, Sir, is there any reason stated in this Bill why they are going to punish an important section of the people ? Is it not *ultra vires* and illegal to pass a Bill which should not be passed. (*An Honourable Member :* "There is no quorum, Sir.")

Mr. President : The Honourable Member has had sufficient indulgence and I hope he will bring his remarks to a close.

Mr. K. Ahmed : One minute more and I shall reach the time limit of 20 minutes. Now, Sir, while Dr. Datta was speaking yesterday, he said, "What is the use of Indian young men going over to England" without disclosing the fact that every student must be a graduate and that one year's Chamber practice is compulsory. (*An Honourable Member :* "There is no quorum, Sir.")

Mr. President : I hope the Honourable Member will realise that the House is not in a mood to hear him any longer.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhamadan) : Sir, it is futile to resist the further progress of this Bill and I should be leading a forlorn hope if I took any part in opposing the motion that has been moved for its passage here. But there are, Sir, one or two observations that have fallen from my Honourable Colleagues in this House which I do not wish should be treated as the voice of this House and influence the public outside. I was pained to hear yesterday a remark made by the Honourable Dr. Datta that it was a waste of money for Indian students to repair to England to prosecute their studies there, and he quoted the opinion of Lord Haldane to the effect that the Indian students who go to England for the prosecution of the study of law really waste their money and their time. (*An Honourable Member :* "I believe it.") I have not the slightest doubt that in the time past, owing to lack of arrangements for the proper housing of Indian students in London and for the control of their studies, the waste of time on the part of Indian students in London was the subject of common complaint. But did Lord Haldane refer to at least 60 per cent. of the Indian students who when they go to England join one of the national Universities, the Universities of Oxford or Cambridge, and take their degree at the same time as they are prosecuting their studies for the Bar; and has any complaint ever been made by Lord Lytton's Committee or any Committee against these students, who I submit form the bulk of the students who go from India to Europe ? Sir, it is recognized on all hands, and it is a fact which is recognized by such independent countries as China and Japan, that travel in Europe and residence in England, and in the modern democratic States of Europe is in itself a great study. Can that be denied even by the Honourable Diwan Bahadur Rangachariar who has drunk of the Pierian springs of English life and who has come back chastened and improved in his mental and physical outlook ? I am sure, Sir, that anybody who goes to Europe and profits by his residence there will come back with a broader outlook, with his mental vision expanded and with his

character, I venture to submit, hardened; and he would come back to this country bringing in his train a mental equipment which would stand him in good stead in his future life here. I therefore, Sir, wish to join an emphatic protest on behalf of myself and those who think with me against the statement that a journey to Europe is a profitless undertaking, and I should like to assure my young friends outside this House that, whatever the disabilities from which English members of the Indian Bar may suffer in future, though the Legislature may deprive them of their status, it cannot deprive them of their brains, and if they go to Europe and profit by the facilities which European culture and education provide they will come back better qualified and more educated men. Our educational institutions in this country are still in a state of infancy, and I submit that as India advances politically there will be more and more reason for a larger number of Indians to go to Europe to study the constitutions of the modern European States, to imitate their culture, to follow their methods of constitutional progress and to imitate their example in the science of Government. Without that assistance, without that education, I submit that the cry for Swaraj will be in vain in this country.

Then, Sir, my friend Diwan Bahadur Rangachariar and the Honourable Sir Sivaswamy Aiyer joined hands against the members of the existing Indian Bar, and my friend Mr. Neogy passed in review the names of half a dozen distinguished Indian vakils.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadian Urban) : It is hardly correct to say that we joined hands against the Members of the Indian Bar:

Sir Hari Singh Gour : I should never accuse Diwan Bahadur Rangachariar of ever having joined hands against the members of the Indian Bar. He joined hands against the barristers.

Diwan Bahadur T. Rangachariar : Certainly not. I never said anything against Indian barristers. I only wanted them to come under one roll.

Sir Hari Singh Gour : I am very glad to hear, Sir, that Diwan Bahadur Rangachariar disassociates himself from those who let fall expressions for which at any rate they ought to be sorry. Sir, while you can mention some eminent vakils, you can also mention some eminent barristers, and I am not going to discharge the invidious task of comparing barristers with vakils and *vice versa*. There are good men in both branches of the profession and I therefore submit that now that this Bill is going to be enacted into law, whatever may have been the feeling between barristers and vakils, a new era will dawn and those who are enrolled as advocates under the new roll will regard themselves as members and brothers of the same profession. (Hear, hear.)

Sir, I cannot disguise from myself a certain feeling of disappointment that this piece of legislation is being hurried through. The Honourable Diwan Bahadur Rangachariar accused the Home Member of a weakness, I must confess that that weakness has been exhibited in permitting a piecemeal legislation of this character to come on the Statute-book, because we have for the first time introduced into this country Bar Councils after the pattern of English Bar Councils. Now Honourable Members are aware that sitting as we do on the Olympian heights of Simla, away from law libraries and accessibility to law books, we have not been able to secure even

[Sir Hari Singh Gour.]

one copy of the rules of English Bar Councils; and when we sat here to fashion this piece of legislation, we were deprived of having even one single copy of the rules of the English Bar Councils which were to act as a prototype and pattern for this legislation. That was the reason, Sir, why I asked for time, and that was the reason, Sir, why I moved for its re-circulation. However, that time is past; and I only wish, Sir, that if in the future the Honourable the Home Member is privileged to see the rules of the English Bar Councils and finds that those rules are different, as I believe they are different, from the many provisions of the Bar Councils Act, he will also incorporate such changes as may be found necessary in such future legislation as the Home Member and the Government of India may think fit to introduce into this Assembly.

Sir, my friend, Mr. Neogy in an impassioned speech wholly out of keeping with his general tenour and temper asked me to receive instructions from some solicitors and to employ as my mouthpiece a vakil of this House. After the speeches to which I have listened from the Honourable Members belonging to the Vakil Bar I am afraid I should not have erred on the side of wisdom in selecting one of them as my mouthpiece; and as for the two distinguished solicitors in this House, I can assure the Honourable Member that I was neither instructed by the one nor by the other, and that whatever remarks I made yesterday I made on my own. That at any rate, Sir, is still some justification for the continuance of the dual system. So much, Sir, for the Bill which is about to pass into law.

Now, Sir, I just wish to say a few words with reference to the deleted clauses.

Diwan Bahadur T. Rangachariar : Is the Honourable Member in order, Sir, in speaking on deleted clauses ?

Sir Hari Singh Gour : I wish to say a few words on the deleted clauses in order to show how the Bill is incomplete. Mr. Rangachariar and other Members have complained that my motion for further circulation was absolutely unnecessary, and they quoted from opinions which had been collected from 1921 in favour of the unification of the Indian Bar. I am sure, Sir, that the Deputy President of this House must be aware of Standing Order 41, sub-clause (4), under which I strictly limited and confined my speech. What does it say ? It says that the Select Committee shall in their report state whether or not in their judgment the Bill has been so altered as to require republication. You are not to go behind the Bill as it has been presented by the Select Committee, and it is now admitted on all hands that the Bill contains a very material alteration. My friend himself said that the question of pre-audience and seniority was one of the two vital questions settled by the Indian Bar Committee. Has not then the Bill been materially and indeed vitally altered ?

Mr. President : Order, order. I merely allowed the Honourable Member to refer to these deleted clauses generally, but he should not go into details.

Sir Hari Singh Gour : And it is upon that ground, Sir, that I limited my remarks yesterday to further circulation. But as I have said, that time is now past. The position that the members of the English Bar whose opinions I voice take is " While you have taken away our seniority, do not destroy our individuality; and whatever may be our relations with

our friends of the Vakil Bar, we still feel proud of being members of the English Bar, and why should you destroy our individuality as members of the English Bar ?". While we are practising here, whether Europeans or Indians, we try to live up to the high tradition of the English Bar created by the leaders of that Bar for centuries and that has become as it were our legal Bible. It is upon that tradition that the Bar in the Presidency-towns and in the mufassil has been nourished and nurtured, and it will be a long time, Sir, before the Indian Bar imbibes the high traditions of the English Bar. So long, however, as the Indian Bar is in the making, we desire to keep our individuality distinct, and if you wish to have seniority over us, let us at any rate stick to the seniority amongst ourselves, *inter se*. That, I submit, is a reasonable request, that I submit is a request which you cannot refuse. If you think that the Indian and the English Bars must be given equal privileges, you have that assured under the Indian Bar Councils Bill. But as I have said before and I repeat it, why destroy our individuality, why ask members of the English Bar to sacrifice the position which they hold, the traditions which they follow and the associations with which they have been from time immemorial connected ? These are the reasons, Sir, why we have protested against the hasty piece of legislation which is shortly to find its place on the Statute-book. I am glad, Sir, that the Honourable the Home Member has acceded to my request and the request of those Honourable Members who supported me in cutting out of this Bill sub-clauses (3) and (4) of clause 8 which deal with a most material issue, and I can only hope that when those clauses are sent out to the country, they will be accompanied by a letter in which the present position of the English Bar will be clearly set out and it will not be forgotten that, if those clauses are re-enacted in the manner proposed by Government, they would undoubtedly extinguish the English Bar in India.

Mr. Harchandrai Vishindas (Sind : Non-Muhammadan) : Sir, I can assure you that I shall not inflict a very long speech upon the House after the effusive orations of my two predecessors belonging to the English Bar. If I remember rightly, the genesis of this legislation consisted in a motion brought forward by Munshi Ishwar Saran in the very first year of the life of this Assembly in 1921 to equalize the various grades of the legal profession, and if I could understand rightly the sense of the House, it was in favour of that Resolution. I remember distinctly when the question of distinction between the two sections of the profession was brought under discussion and when the mover of the Resolution, himself being a vakil, advocated the equality of his section of the profession with that of the barristers, an eminent barrister, Mr. Eardley Norton, here said, "Of course it would be absurd to give any barrister pre-audience over Sir Rash Behari Ghose". From what

12 Noon.

followed in the discussion on that day one could see that the sense of the House was in favour of equalisation of the different sections of the profession, especially the equalisation of vakils with barristers. Therefore, Sir, I share the regret which has been expressed by Diwan Bahadur T. Rangachariar in his minute of dissent that that wish has not been realised. At the same time, I think, we should be thankful for small mercies. Government are perfectly right in conceding this fractional measure of the desideratum and we should not in any way frustrate its object. Therefore, I rise to speak in support of the passage of this Bill. But before I conclude my remarks, I would

[Mr. Harchandrai Vishindas.]

like to refer to one or two matters which have occurred in the speeches of my two predecessors. Mr. Kabeer-ud-Din with his usual humour has attacked the vakil section of the Bar and also tried to pour ridicule and contempt upon them.

Mr. President : I would suggest to the Honourable Member whether it is worth while taking those criticisms too seriously.

Mr. Harchandrai Vishindas : You have, Sir, as President allowed Mr. Kabeer-ud-Din to dilate upon the matter. I am not going to try...

Mr. President : The Honourable Member may please himself.

Mr. Harchandrai Vishindas : If you will kindly hear me, I propose to give only one illustration to show the estimation in which these two sections of the community are held in some places. Mr. Kabeer-ud-Din Ahmed has talked of landholders, their sons and grandsons and of various Associations, but I would give only one illustration. I would also refer to Dr. Gour's remark about going to Europe.

Mr. K. Ahmed : The references that I made to the sons and grandsons of landholders were put into my mouth by the Honourable Member from Moradabad.

Mr. Harchandrai Vishindas : Sir, an eminent man who now occupies a very prominent position in the Punjab was called to the Bar. He told me that when he got his first brief, he accepted Rs. 30 as his fee. One-half of it was paid to him and the other half was to be paid afterwards according to the practice then prevailing in the Punjab. The client afterwards went to him and said : " If I knew that you were a barrister, I would have never engaged you. I engaged you because I thought you were a vakil. Will you kindly return my Rs. 15 that I paid you ? " From that time this gentleman gave up the Bar and afterwards he became a great commercial and industrial magnate.

Sir Hari Singh Gour : Then why not keep them separate ?

Mr. Harchandrai Vishindas : By all means keep them separate, but you should not try to make the barristers superior, but rather make the vakils superior.

Sir Hari Singh Gour said that the advantage of barristers being called to the Bar is that they go to the Continent of Europe and that journey itself is an education. Is not that an implied confession that so far as legal education is concerned, the barrister's education is a failure, and he only acquires the education which the journey gives him ? Is that an argument in favour of Sir Hari Singh Gour's case or against it ? Anybody can go to Europe and acquire culture, but would that entitle him to practise the profession of the Bar ? Does it not go without saying that many a time complaints have been made that the students who go to England with a view to study for the Bar not only learn nothing but unlearn a great deal of what they have learnt in India ? There is a gentleman sitting by the side of Mr. Kabeer-ud-Din who agreed with the remarks that fell from a Member who was referring to Dr. Datta's views about the insufficiency of education in England. The gentleman sitting there had sent his son to England for the Bar.

Mr. President : The Honourable Member must not refer to any of his colleagues in that manner. He must name him.

Mr. Harchandrai Vishindas : His name, Sir, is Khan Bahadur W. M. Hussanally. He sent his son to the Bar to his very great grief and repentance. I think I need not say anything more.

It is not right to say that this legislation is being precipitated because it has had the considered deliberation of the Select Committee. It has come here at its proper stage and there is no case made out for its recirculation. If there are any defects in the merits of the Bill, they can be easily pointed out on the floor of the House. I think this Bill has been long overdue. Dr. Gour said that barristers aspire to positions of eminence because of the traditions in which they have been nurtured and nourished. My reply to him is that the same kind of obligations are imposed upon the pleader section of the Bar as upon the barrister section. I have often heard eminent Judges say that pleaders as well as barristers should answer to the great traditions of the profession. Sir, this is in reply to the remarks that have been made against the pleaders. I think the Bill is a salutary one and therefore it has my hearty support.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadian Rural) : Sir, I do not think the House desires a serious discussion on the points sought to be raised by my Honourable friend Mr. Kabeer-ud-Din Ahmed in a remarkable speech which a member of the English Bar alone is capable of making. The speech is remarkable as showing the culture and breadth of vision which a visit to England and education in England...

Mr. K. Ahmed : The Honourable Member without substantiating his remarks is making an attack, and, therefore, he is illogical, and I object to it.

Mr. K. C. Neogy : Sir, I will not quarrel with my friend's logic. There is one point which my Honourable friend sought to make on which I desire to say a few words. The Honourable Member said that all the various public bodies in Calcutta which were consulted on this Bill are unanimously opposed to it. In the first place, no public Association of Calcutta appears to have at all been consulted on this particular Bill. I hold in my hand a collection of all the opinions, and I find from the covering letter of the Government of Bengal that there is no mention of any public Association which was consulted on this particular Bill. I have, however, got in my hand a cutting from a Calcutta newspaper, namely, the *Bengalee*, dated the 15th December, 1923. It gives extracts from the opinions of different public bodies in Calcutta who are all in favour of equalization of the status and privileges of the different sections of the Bar. Let us take, first of all, the Corporation of Calcutta. They say :

"The present arrangements require change. Vakils and Solicitors should be allowed under certain conditions to act and plead, in the same way as Barristers, on the original side of the High Court."

Then we have the University of Calcutta which is all in favour of the removal of the monopoly enjoyed by the barristers. Then comes the Bengal National Chamber of Commerce, who—

"strongly urge the abolition of such distinctions between Barristers and Vakils as were due to circumstances which no longer exist."

[Mr. K. C. Neogy.]

Then we have the opinion of the Marwari Association. They say :

"Remove the existing humiliating distinctions between Barristers and Vakils."

We next come to the British Indian Association to which my Honourable friend referred. They say :

"There is no reason why some of the privileges now exclusively enjoyed by the English Bar should not be extended to the Vakils of the High Court, no reason why the Barristers should still retain the privilege of exclusive practice on the original side of the High Court."

Then we come to the Bengal Landholders' Association, to which also my friend referred. They say :

"All distinctions between Barristers and Vakils should at once cease, regard being had to the fact that Vakils have made their mark in the profession and on the Bench, and that a law student in India goes through a pretty long course of legal education."

Then, last of all, we come to the Indian Association, which is a very prominent political body in the city of Calcutta. They observe as follows :

"The legal profession in this country should be unified, and Barristers, Solicitors and Vakils placed on the same footing."

Sir, I do not think I need dwell upon Mr. Ahmed's speech any more.

My Honourable friend, Sir Hari Singh Gour, recapitulated his yesterday's arguments which had something to do with the motion moved by him yesterday, but has no relevancy to the present motion. I do not quarrel with him in regard to the benefits that it is possible to derive by a journey to foreign lands, or from a sojourn in England for purposes of education ; but is my Honourable friend fair in wanting to make it compulsory for a certain section of lawyers to go to England so as to have certain privileges, and that those who do not go there should be precluded from the enjoyment of those privileges ? On a parity of reasoning he could very well support the "steel frame" argument of Government. Does my Honourable friend contend that the English Bar constitutes the "steel frame" of the legal profession in India ? I should imagine my Honourable friend as being very eager to occupy those cosy Benches opposite, and I am sure my Honourable friend regards the Honourable Sir Alexander Muddiman as an interloper in this House. I certainly do ; and we are all looking forward anxiously to the day when all those Benches will be occupied by Indians.

The Honourable Sir Alexander Muddiman : I do not see how these remarks are at all relevant.

Mr. K. C. Neogy : The Honourable Member will understand the relevancy of the point if he will only be a little more patient. My Honourable friend, Sir Hari Singh Gour, certainly would not for a moment tolerate the argument that being members of a ruling race my Honourable friend, Sir Alexander Muddiman, and his colleagues are entitled to certain special privileges. Yet my Honourable friend put forward the argument that a short stay in England, and membership of an institution belonging to the land of the ruling classes, should endow an Indian with certain special privileges, which must be denied to the other children of the soil.

However, Sir, I am very sorry I cannot give my blessings to this Bill in its present form.

Sir Hari Singh Gour : Then let us join in rejecting it !

Mr. K. C. Neogy : I have not yet said what I am going to do. Sir, so far as the vakils of Bengal are concerned, they do not stand to gain anything by it.

The Honourable Mr. S. R. Das (Law Member) : What about gowns and robes ?

Mr. K. C. Neogy : I am not at all anxious to don the robes on which Mr. Ahmed has shed such lustre, and which he claims as his "trade mark". If it was ever an ambition on my part, I cannot any longer cherish that ambition.

Mr. K. Ahmed : My friend rose to say he had no ambition.....

Mr. President : Order, order. There is no point of order in that.

Mr. K. Ahmed : But, Sir, it implies.....

Mr. President : Order, order.

Mr. K. C. Neogy : This Bill merely changes the name Vakil into Advocate. As I said on a previous occasion, the vakils of Calcutta are not ashamed of being called vakils. Sir, it is a distinguished name, borne by men like Dwarkanath Mitter, Romesh Chandra Mitter, Chandra Madhub Ghose, Rash Behari Ghose, and last though not least, Ashutosh Mukerjee, names of which any legal institution in the world would be proud. Sir, as I said, we do not want any change in name. I am reminded of the occasion when Sir Lawrence Jenkins was Chief Justice in Calcutta and he made a proposal that a few select vakils should be admitted as advocates. What was the attitude that Sir Rash Behari Ghose took up on that occasion ? He said, "I am not anxious to change my name. I am perfectly willing to be called a vakil. I am not enamoured of the term advocate and cannot think of being treated on a different footing from my colleagues. So long as they labour under certain disabilities, I cannot think of accepting this as a favour from the Judges." As I said, the vakils of Calcutta do not stand to gain anything by the present measure. As a matter of fact, I had a letter from the Vakils' Association, Calcutta, in which they said :

"The Bill is of no use to the Vakils of Calcutta, and if it is dropped we shall not be worse off ; rather the Bill is likely to place us in a worse position than at present."

Thereupon I wrote back to my Association asking them to reconsider the position, particularly in view of the fact that my colleagues from the other provinces are of opinion that there is some little benefit to be derived so far as those provinces are concerned, and in reply to that I received a telegram which says :

"Vakils' Association leave it to you to take such attitude as you think proper towards the Bar Councils Bill, but strongly oppose majority of barristers on Council."

That is exactly the position I took up yesterday when moving my amendment. I said that this Bill would have the practical result of imposing the rule of the minority over the majority, the minority of barristers over the majority of vakils, and I succeeded in annoying my Honorable friend, the Home Member, an *ex-officer* of the Calcutta High

[Mr. K. C. Neogy.]

Court. Sir, it was no figment of my brain. This is exactly how the Vakils' Association of Calcutta interpret that particular clause of this Bill, and on their behalf I must repeat my protest that you are not doing the right thing by the non-barrister element of the Bar in Calcutta.

Sir, I must now indicate my attitude towards this Bill. Although I opposed Sir Hari Singh Gour's amendment for recirculation, I must say that I cannot cast my vote in favour of the present motion.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I think one of the best reasons for supporting this Bill is to be found in the fact that so many of my Indian friends of the English Bar have taken an attitude of opposition to it. I think it a very strong commentary on the existing state of things that any Indian member of the Bar should raise objection to the Bill now before the House. A great wrong was committed when a distinction was made between barristers and vakils in this country, and that wrong has lasted a long time. It is not one day too soon that an attempt is being made to obliterate that wrong, and every man who loves fair play ought to rejoice over it and give his heartfelt support to the Bill.

I am not unconscious of the great value of a training in England or in any other part of Europe ; but I wish every Indian young man to complete his education in a University here before thinking of going to any other country.

I hope the day will very soon come when an Indian young man will be proud to have a degree of his own Indian University and will not be anxious to obtain a degree of any other university. The Japanese do it ; they have the right sense ; they take degrees of their own universities and go out to foreign countries for further study, and come back and rejoice in having obtained additional knowledge, but rejoice also in the fact of being graduates of their own national universities.

Mr. K. Ahmed : We have no such universities in India like the Oxford and Cambridge Universities.

Pandit Madan Mohan Malaviya : I think the existence of this distinction between Barristers and Vakils has been one of the reasons why the Bar in India has not become as strong as it should have been. That the vakils have rendered the most excellent account of themselves in this country in the various High Courts in spite of the disadvantages to which they were subjected is a matter of which they can well be proud. I do not wish to make any remarks which will excite any ill-feeling between Indians who are members of the English Bar or any other foreign Bar and Indians who are vakils of any of our High Courts. I hope that the passing of this Bill will be the first step towards obliterating that long lasting distinction, and I hope it will be possible to make better efforts to build up the traditions which English barristers love and which we have learned to honour. I want the traditions of the Bar here to be as high as in England or in any other country. I think, Sir, the obliteration of this distinction will help to build up those traditions, and I am also certain that when this distinction has been removed and it has become impossible for young men who cannot succeed in the rather stiff examinations of Indian universities to go and be called to the Bar in some other country, legal education in this country will be even better

here. I desire that the standard of education in law, as in every other subject in this country, should be as high as anywhere else in the world, and I believe the obliteration of this distinction will help to improve the arrangements which exist for imparting that education. I gladly lend my support to the motion.

The Honourable Sir Alexander Muddiman : Sir, I do not desire to detain the House very long, but I feel there are a few observations that I should like to make, even at this late stage of the Bill. The first observation I have to make is this, that had I been aware that Mr. Neogy, speaking on behalf of the Vakils Association, was prepared to oppose the Bill, I might have taken a different attitude, and I think the Honourable Member should have let me know that before we came to the third reading of the Bill.

Mr. K. C. Neogy : I hoped to succeed in getting some of my amendments passed yesterday.

* **The Honourable Sir Alexander Muddiman :** It seems to me it is a pity he did not tell us at the time, at the right time, when the House was dealing with the principle of the Bill, that he was opposed to the Bill as a whole. I might then have brought in an amendment excluding the High Court of Calcutta from the operation of the Bill. He will doubtless be able to reconcile his present views with the views of his Association. It was also a pity I think that if Mr. Neogy regarded the Bill as such an unfortunate measure of legislation, he did not attend the meetings of the Select Committee till the discussions were over. He was appointed a member of the Select Committee and he agreed to serve, but he did not attend. Now, Sir, I am not in the least influenced by a somewhat petulant speech at the last stage of the Bill from doing what I think is my duty. This Bill has been brought forward after much deliberation and is the result of persistent efforts on the non-official side. I think it is very fortunate that it has been largely in the charge of my Honourable friend Mr. Rangachariar. He at any rate is old enough and wise enough to know that if you desire to pass reforms affecting the interests of others, you must proceed warily, you must proceed in a manner not to irritate others and you must endeavour to secure by compromise and persuasion such portion of your plan as you may be able to get through. It is not the part of a wise man to force on an unwilling profession changes advocated in such a manner as is bound to cause irritation to members of the profession. Now, this Bill is a step in the direction of the creation of a united Indian Bar. Government may pass the measure, but the success of the measure will depend upon those who work it. If this measure of reform is to do the slightest good, or is to be workable, it must be worked by men of good-will on both sides, otherwise it will be a failure and you will not advance in the direction in which the best and wisest members on both sides of the profession desire to advance. I am hopeful that if the Bar Council succeeds in creating a solid body of the best professional opinion, they will not only contribute to maintain and enhance the reputation of their profession, but also to assist in the better administration of justice. If on the other hand, these Bar Councils are controlled by persons who are led away by trades union jealousy, they will develop discord and confusion. It must rest, and I confidently hope it will rest, with those who are the leading barristers and the leading vakils of the various courts,

[Sir Alexander Muddiman.]

when this Bill is brought in, to work together to bring the profession into a harmonious whole and, by working these provisions for all they are worth, enable the possibility of further advance.

Mr. K. C. Neogy : Sir, on a point of personal explanation. I do not think the Honourable the Home Member has done justice to me by saying that I did not indicate my attitude at the proper time. I would ask him to read my speech at the second reading stage ; there I gave an indication of the points to which I took exception. Secondly, it is true I could not attend the Select Committee meetings, owing to regrettable personal circumstances, but I took care to send a telegram, addressed directly to the Honourable Member by name, in which I requested him to take into consideration the points I raised in my speech at the second reading stage. Thirdly, I put in a minute of dissent and gave notice of amendments ; and when a man gives notice of amendments, he certainly hopes to see some of them accepted. I do not know whether the Honourable Member thinks that in this House a man who gives notice of amendments ought to know that there is no chance of success owing to the Government opposition.....

Mr. President : Order, order, the Honourable Member is not entitled to make another speech.

Mr. K. C. Neogy : I think the Honourable Member is not right in saying that I did not give an indication of my attitude towards this Bill at the right time.

Mr. President : The question is :

“ That the Bill to provide for the constitution of Bar Councils in British India and for other purposes, as reported by the Select Committee, be passed.”

The motion was adopted.

THE INDIAN SUCCESSION (AMENDMENT) BILL.

***Sir Walter Willson** (Associated Chambers of Commerce : Nominated Non-Official) : Sir, I beg to move that the Bill to amend the provisions of section 33 of the Indian Succession Act, 1925, as passed by the Council of State, be taken into consideration.

In rising, Sir, to make my maiden effort to pilot a Bill through this House on behalf of other maidens who may become widows, I do not think many words of mine are necessary. The Bill was fathered by the Honourable Sir Arthur Froom in the Council of State and its purpose is fully explained in the Statement of Objects and Reasons. All I think that a step-father need say is that the Bill has run the gauntlet of circulation for the purpose of eliciting public opinion and of reference to a Joint Committee.

When the Bill ~~was~~ first circulated objection was taken to it on behalf of the Indian Christian community but when the Bill was referred to a Joint Committee, the Joint Committee with the greatest possible consideration dropped them out of the Bill altogether and they are therefore no longer concerned with it. Its present purpose is limited to

*Speech not corrected by the Honourable Member.

Europeans and Anglo-Indians. The limitations of the Bill will be found in sub-clause (5) of clause 3 which provides *inter alia* that it shall not apply to the property of any Indian Christian or to any Hindu, Buddhist, Sikh or Jain the succession to whose property is regulated by the Special Marriage Act. In effect, Sir, the Bill is a very simple one. It merely seeks to enact that when an estate is of less value than Rs. 5,000 and the deceased died intestate and left no lineal descendants, the widow shall take the whole of that money. I do not think anyone can quarrel with that principle. In a case where the estate may be of a greater sum the Bill still provides that the widow shall take the first Rs. 5,000 without prejudice to her right to share in the residue afterwards. That being so, Sir, the Bill has had a very happy life up to now. It passed through the Council of State without any opposition whatsoever and it may therefore be considered as an entirely non-contentious Bill up to this date. There are on the paper two amendments, one by the Honourable the Home Member which I understand to be purely a drafting amendment, and the other two by my Honourable friend Dr. Datta who represents the Indian Christians in this House. I need not anticipate his reasons in advance but I may say to the House that I do not think there is any material point of difference between him and myself and I will therefore leave him to move his amendment. Sir, I move.

Dr. S. K. Datta (Nominated : Indian Christians) : Sir, I shall not move the motion which stands in my name that this Bill be referred to a Select Committee but I wish to make certain observations on this Bill and to utter a word of warning regarding the procedure adopted both in another place and in this House. This Bill emanated in the Council of State, where the Honourable Sir Arthur Froom, in his speech when he introduced the original Bill, declared that it did not touch the rights of any community except the European community. As far as I am aware, I do not think that Sir Arthur Froom realised that the largest community which would be touched was the Indian Christian community. Without any opposition this Bill came to the Assembly and my Honourable friend Dr. Sir Hari Singh Gour, with that voracious appetite he has for all measures which affect the personal law of any community in India, immediately moved in this House and asked for a Joint Committee. Now on that Joint Committee Hindus were represented, I believe Mussalmans were represented and Europeans were represented, but not the community which was most seriously touched, namely, the Indian Christians : I wish to utter a word of warning regarding the lack of care and watchfulness of the Government Department who were responsible for that procedure. That then is my first point.

Secondly, when this Bill did actually come before the Joint Select Committee, we examined it with care and as a community sent in our protest regarding the proposed changes in the law which would touch the personal rights of the Indian Christian community. Now, when the Bill arrived at the third stage, it was withdrawn in view of the Bill to consolidate the Indian Succession Act which at that juncture was being piloted through the Legislature by Government. The Bill to amend section 33 of that Act has now come back to us in this House in a much better form, namely, it exempts Indian Christians from the purview of the new section.

Now, Sir, I regret that there has been in the past a tendency towards the fragmentation of personal law. As far as I am aware, the Indian Succession Act of 1865 applied to all Christian communities or rather to all

[Dr. S. K. Datta.]

communities that are not Hindu, Muhammadan, Buddhist nor Parsi. In 1901 a Bill was passed, namely, the Native Christians Administration of Estate Act, which took Indian Christians out of the purview of certain sections of the Indian Succession Act. That, from my point of view, was a wrong proceeding; it ought not to have dealt with a particular class; though special provision might have been made for the administration of small estates. Now again after a lapse of twenty-five years the present Bill is introduced which exempts a particular portion of the Christian community—or a community who have a common civil law—from the operation of the ordinary sections of the Indian Succession Act. I do think that this continual fragmentation of personal law is bad. If on the Select Committee we had met together—Indian Christian, European and Anglo-Indian—I believe we would have found a common way out of this difficulty. We on our part would have been willing to accept a certain figure and probably the European community might have been willing to come down to that figure. I believe we could still have had a common law. At least the Indian Succession Act in regard to this matter would have applied to all communities who are neither Hindus, Muhammadans nor Buddhists.

Now, Sir, at a later stage I propose formally—I will not make a speech at that time—to move my amendments if you will permit me to make a reference to those amendments at this time. (Mr. President signified assent.) The point which I wish to place before this House is that very difficult question regarding Indian Christians and Anglo-Indians. There is a definition of Indian Christian in the Indian Succession Act. He must be a native of India of pure Asiatic descent professing the Christian religion. That, then, is the definition of an Indian Christian. On the other hand, there is no definition in the law, as far as I can discover, of an Anglo-Indian. There is a definition of the British born European, but not of the Anglo-Indian; and there is a definition of an Indian Christian. Now, Sir, there are cases and there are numerous cases where Indian Christians marry Anglo-Indians. You cannot differentiate in such cases between the Indian Christian and the Anglo-Indian. These marriages are taking place. It may be the Anglo-Indian may have just a fractional proportion of European blood, but the children of such unions are immediately taken away from the purview of section 33 of the Indian Succession Act and will be placed under section 33-A of this Bill. I wish to preserve intact the old position where children of such unions still continue to be under section 33 of the Indian Succession Act. They are not Anglo-Indians. I wish to thank my Honourable friend Sir Walter Willson for meeting me on this point, and also to thank the Law Department of the Government of India for the help that they have given me in drafting an amendment which I am told will meet with the general approval of both sides of this House. The amendment, Sir, is as follows.

Mr. President : The Honourable Member need not now put the amendment; it will come up when this motion is carried.

Dr. S. K. Datta : Well, Sir, with this proviso that at a later stage I shall move this amendment, I too will support the motion, but shall add a word of warning, that when legislation is undertaken which affects the rights of particular communities, those communities may have representation on the Select Committee of this House, and that ordinarily no further

legislation be undertaken on behalf of any special community governed by the Indian Succession Act.

Mr. President : The question is :

“ That the Bill to amend the provisions of section 33 of the Indian Succession Act, 1925, as passed by the Council of State, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

The Honourable Sir Alexander Muddiman : Sir, I have a small drafting amendment to move in sub-clause (3) of the new clause 33-A. I propose :

“ That for the words ‘ in the same way as if such residue had been ’ the words ‘ and such residue shall be distributed in accordance with the provisions of section 33 as if it were ’ be substituted.”

It is a purely drafting amendment and I need not take up the time of the House in explaining it.

Sir Walter Willson : I accept the amendment.

The amendment was adopted.

Dr. S. K. Datta : Sir, I move :

“ That in clause 3, in sub-section (5) of the proposed new section 33-A for the words ‘ any Indian Christian or of ’ the following be substituted, namely :

‘ (i) any Indian Christian,

(ii) any child or grandchild of any male person who is or was at the time of his death an Indian Christian, or

(iii) ’.”

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Sir Walter Willson : Sir, I move that the Bill, as amended, be passed.

Mr. President : The question is :

“ That the Bill to amend the provision of section 33 of the Indian Succession Act, 1925, as passed by the Council of State and as amended by this Assembly, be passed.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 31st August, 1926.

CORRIGENDUM.

In L. A. Debates, Vol. VIII, No. 3, page 116, reply to question No. 130, for the lines in part (c), read :

“(c) The Honourable Member is not correct when he suggests that in selecting the members of the deputation, Government ignored Members of this House. As a matter of fact, a Member of this House was invited to join the deputation, but for private reasons, he was unable to accept the offer.”

LEGISLATIVE ASSEMBLY.

Tuesday, 31st August, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

CLOSING OF THE LADIES WAITING ROOM AT MORADABAD.

243. ***Maulvi Muhammad Yakub :** (a) With reference to the answer given by Mr. (now Sir) C. D. M. Hindley to my question No. 1255 (starred) asked at the special session of the Legislative Assembly held at Simla in May and June 1924, published on page 2628 of the proceedings of the aforesaid session, to the effect that there was no proposal to close the Indian ladies' waiting room which formed a part of the main station building at Moradabad, will the Government be pleased to enquire and state whether the said waiting room has been closed or not ?

(b) If the waiting room has been closed will the Government be pleased to state why it was closed ?

(c) Do Government propose to direct the officers concerned to reopen the Indian ladies' waiting room at the main station building or construct a new one for the aforesaid purpose ?

Mr. A. A. L. Parsons : Enquiry is being made and the result will be communicated to the Honourable Member in due course.

Maulvi Muhammad Yakub : May I know how long this enquiry will take ?

Mr. A. A. L. Parsons : I cannot say, Sir. I should think a fortnight.

Maulvi Muhammad Yakub : Are the Government aware that the Indian women at Moradabad station are now put to very great inconvenience in that they have to pass over a very troublesome bridge and sometimes they tumble down, and the waiting room which has now been provided for them is about a furlong from the main station where the train stops ? So, do the Government propose to take immediate steps to inquire into the matter and remedy this inconvenience as soon as possible, taking into consideration that this is a case in which the fair sex are concerned.

Mr. A. A. L. Parsons : I am grateful to the Honourable Member for the information in his speech.

REPORT OF ACCIDENTS ON LIGHT RAILWAYS TO THE GOVERNMENT INSPECTOR OF RAILWAYS.

244. ***Mr. S. C. Ghose :** (a) Will the Government state if all accidents which happen on light railways are reported to the Government Inspector of Railways ?

(b) Has the attention of the Government been drawn to the letter written by Mr. A. C. Mitra to Messrs. Martin & Co. and published in the *Bengalee* of the 1st August ?

Mr. A. A. L. Parsons : (a) On light railways to which the Indian Railways Act, 1890 (IX of 1890), has been applied, and the Howrah-Amta Light Railway is one of them, any accident such as is described in section 83 of the said Act which occurs in the course of working a railway is reported to the Government Inspector.

(b) Government have seen the letter.

REQUEST TO THE ROCKEFELLER TRUST OF AMERICA FOR CONTRIBUTIONS TOWARDS THE CONSTRUCTION OF SCHOOLS OF HYGIENE AND TROPICAL MEDICINE IN THE CAPITAL CITIES OF INDIA.

245. ***Mr. S. C. Ghose :** (a) Are Government aware that the Rockefeller Trust in America contributed the large sum of £400,000 towards the construction of the new School of Hygiene and Tropical Medicine recently opened in London ?

(b) Do Government propose to consider the desirability of approaching the Rockefeller Trust for a decent contribution towards the construction of Schools of Hygiene and Tropical Medicine in the capital cities of India except Calcutta which already possesses such a school ?

Mr. J. W. Bhore : (a) Yes.

(b) A representative of the International Health Board (Rockefeller Foundation) is expected shortly to visit India for the purpose of studying the present position of medical education in this country with a view to enable the Board to decide whether or not financial assistance from the funds of the Foundation should be given to any medical college or institution in India. As medical education is a provincial transferred subject, it will be for the Local Governments to consider whether the Rockefeller Foundation should be approached for a contribution towards provincial institutions such as Schools of Hygiene and Tropical Medicine.

Dr. K. G. Lohokare : May I know, Sir, if there is any intention of starting more Tropical Schools of Medicine in India under the auspices of or with the help of this Fund ?

Mr. J. W. Bhore : Not that I know of.

Dr. K. G. Lohokare : Will the Government of India take an interest in the matter and see that some of these schools are put up ?

Mr. J. W. Bhore : My Honourable friend will have already realised from my reply that medical education is a transferred subject. The Government of India cannot themselves take the initiative in this matter.

Dr. K. G. Lohokare : However, may I bring to the notice of the Honourable Member that medical research is a central subject and, in so far as medical research is concerned, will the Government of India undertake to approach the authorities of the Fund ?

Mr. J. W. Bhore : No, Sir, I can give no undertaking on that point.

EMIGRATION OF INDIAN LABOURERS FROM MADRAS TO MALAYA.

246. ***Mr. S. C. Ghose :** (a) Is it a fact that many Indian labourers are being allowed to proceed to Malaya from Madras ? If so why ?

(b) Will the Government state if good wages are being offered to the labourers in the rubber estates in Malaya ?

Mr. J. W. Bhore : (a) Yes. This migration of Indian Labour to Malaya is due to the demand for labour in that country.

(b) The wages offered evidently constitute an attraction to South Indian labourers, but the Government of India are not altogether satisfied with the rates now being paid though in some districts these are appreciably higher than they were before. The question of fixing suitable standard rates is now the subject of correspondence with the Malay Government.

PAY AND ALLOWANCES OF THE MEMBERS OF, AND THE SECRETARY TO, THE COMMISSION APPOINTED TO ENQUIRE INTO THE BOMBAY BACK BAY RECLAMATION SCHEME.

247. ***Mr. S. C. Ghose :** (a) Will the Government state what are the pay and allowances of the members of, and the Secretary to, the Commission to inquire into the Bombay Back Bay Reclamation Scheme ?

(b) Will the Government state what is the necessity of sending the members on a free trip to England ?

(c) Will the Government state what would be the approximate expenditure incurred on account of this Commission, and which Government will bear the cost ?

(d) Why was not the Commission appointed earlier ? Is it a fact that in April last the London paper *Truth* had been exposing the scandals in connection with this scheme and urging the Government to let the whole wretched business drop ?

The Honourable Sir Bhupendra Nath Mitra : (a) The pay and allowances granted to the members of, and the Secretary to, the Bombay Back Bay Enquiry Committee are shown below :

Chairman.—(1) Pay of Rs. 5,000 a month throughout the period of his employment on the Committee, (2) a subsistence allowance of Rs. 15 a day continuously in India, (3) five guineas a day in England as compensatory and subsistence allowances combined, (4) a first class compartment for all his journeys in India while on the Committee and, in addition, actual travelling expenses subject to a maximum of three-fifths first class fare, and (5) the actual cost of transporting his motor car from Allahabad to Bombay and back, including the cost of transporting a chauffeur.

European Member.—His actual out of pocket expenses as claimed by him.

Indian Members.—In India, Rs. 1,500 a month each *plus* a subsistence allowance of Rs. 15 a day continuously, and travelling allowance (except halting allowance) as for a first class officer. Out of India, £100 a month each with a subsistence allowance of 25 shillings a day while in England.

Secretary.—In India, a pay of Rs. 2,250 a month *plus* £30 a month overseas pay, a subsistence allowance of Rs. 15 a day continuously, and travelling allowance (except halting allowance) as for a first class officer. Out of India, two-thirds of his Indian pay, including overseas pay, with compensatory and travelling allowances admissible under the India Office Rules while in England.

In addition to the terms mentioned above, the Chairman, the Members and the Secretary have been granted first class return passages to England, and the Chairman has also been granted return passage by the lowest class available for an Indian servant.

(b) The Committee will proceed to England for the purpose of recording evidence on matters connected with the Back Bay Reclamation Scheme.

(c) The approximate expenditure to be incurred on account of the Committee will be Rs. 1,20,000, and will be borne by the Central Government.

(d) The attention of the Honourable Member is invited to the Resolution No. Mis.-81, dated the 29th July 1926, by the Department of Industries and Labour, which was published at page 877 in Part I of the Gazette of India, dated 31st July 1926. The Committee was appointed as soon as possible after a request on the subject had been made by the Government of Bombay to the Government of India. As regards the last part of the question, Government have no information.

APPOINTMENT OF TWO LAWYERS TO THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

248. ***Mr. S. C. Ghose :** (a) Will the Government state whether it is the intention of the Government of Britain to appoint two lawyers to sit as Judges in the Privy Council in accordance with the Judicial Committee Bill recently passed by Parliament ?

(b) Will the Government state if the Government have submitted the names of certain persons to the Government of Britain for appointment as members of the Judicial Committee ?

The Honourable Sir Alexander Muddiman : (a) The Honourable Member is mistaken in supposing that the Judicial Committee Bill has been passed by Parliament. It is true that the Bill was passed by the House of Lords, but it has not yet been before the House of Commons, and the Government of India understand that it will not be possible to bring it before the House of Commons until 1927. My Honourable friend will understand therefore that I give him no information about the intentions of His Majesty's Government if and when the Bill is passed.

(b) No.

LETTER PUBLISHED IN THE *Forward* OF THE 8TH JULY, 1926, SIGNED "ONE WHO KNOWS."

249. ***Mr. S. C. Ghose :** (a) Has the attention of the Government been drawn to the letter signed "One Who Knows" which appeared in the *Forward* of the 8th July ?

(b) Do Government propose to direct the railway administration to take steps to remedy the grievances indicated in the letter ?

Mr. A. A. L. Parsons : (a) The reply is in the affirmative.

(b) I have no doubt that the letter has already been brought to the notice of the Agent, Eastern Bengal Railway. In any case questions of this kind can best be brought up by members of the Local Advisory Committee.

THE BOMBAY BACK BAY RECLAMATION SCHEME.

250. **Mr. S. C. Ghose :** (a) Has the attention of the Government been drawn to the reply given by the General Member in the Bombay Legislative Council that the Government of Bombay were aware of the fact that the firm of Tatas had consulted Messrs. Jacobs and Davis of America regarding the prospects of the Bombay Back Bay Reclamation Scheme in 1911 and that this firm of experts had given the opinion that the scheme would prove financially disastrous ?

(b) Will the Government state if this information was sent by the Local Government to the Government of India when recommending the scheme ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) The report of the engineers referred to formed part of an appendix to the Report of the Bombay Development Committee, 1914, which was sent to the Government of India at the time.

EXPENDITURE ON THE INDIAN SANDHURST COMMITTEE.

251. **Mr. S. C. Ghose :** (a) Will the Government state what is the necessity of the deputation of the Indian Sandhurst Committee making a tour of the Universities in India during the month of August ?

(b) Will the Government state what has been the expenditure incurred up to date on the Indian Sandhurst Committee ?

(c) Will the Government state what pay and allowances were given to the members of the Indian Sandhurst Committee, who proceeded to Europe and North America ?

Mr. E. Burdon : (a) In order to assist in answering the principal term of reference of the Committee, namely, to enquire and report by what means it may be possible to improve upon the present supply of Indian candidates for the King's commission both in regard to number and quality. The deputation investigated the possibilities of certain Indian Universities in this respect.

(b) The amount during the last financial year was Rs. 82,000. The figures for the current financial year are not yet available.

●(c) The Members received while away from India a deputation allowance of £100 a month, and a daily subsistence allowance at the rates of £1-5-0 in the United Kingdom, £1-15-0 on the continent of Europe, and £2-10-0 in America. These allowances conform to the scale ordinarily applied to Royal Commissions, Committees, Deputations, etc., proceeding from India to Europe or *vice versa*.

EMPLOYMENT OF INDIAN SOLDIERS OUTSIDE INDIA.

252. ***Mr. S. C. Ghose** : (a) Will the Government state the names of the Indian regiments serving overseas and the number of the soldiers and followers so employed ?

(b) Will the Government state why Indian soldiers are serving in the Straits Settlements ?

Mr. E. Burdon : (a) The Honourable Member will find the names of the regiments and their stations on page 54 of the current number of the Indian Army List. The normal strength of a battalion is about 750 soldiers and about 45 followers. There is also one company of Sappers and Miners in Iraq, whose normal strength is 229 Indian ranks and 14 followers.

(b) I refer the Honourable Member to part (b) of the answer which I gave to question No. 245 on the 31st of August 1925, and to the Resolution adopted by this House on the 28th March 1921, which explained the reason for the employment of Indian troops on garrison duties in other parts of Asia, including Singapore.

Dr. K. G. Lohokare : May I know who bears the cost ?

Mr. E. Burdon : His Majesty's Government.

Dr. K. G. Lohokare : And the Government of India have nothing to do with it ?

Mr. E. Burdon : No, the Government of India bear no part of the cost, Sir.

PROVISION OF ELECTRIC LIGHTS AND FANS FOR EUROPEAN, ANGLO-INDIAN, CHINESE, JAPANESE AND NEGRO PRISONERS IN INDIAN JAILS.

253. ***Mr. S. C. Ghose** : Will the Government state if electric lights and fans are provided for European, Anglo-Indian, Chinese, Japanese and Negro prisoners who may happen to be sent to prisons under the control of the Government of India ?

The Honourable Sir Alexander Muddiman : No electric lights and fans are provided in jails in Coorg, Ajmer-Merwara, Central India, Baluchistan and the States of Western India. In the Secunderabad Jail electric lights are provided for all prisoners, but no fans. Electric light is now in the process of being installed in the Delhi District Jail for the first time. No prisoners of European habits are kept in the Delhi District Jail ; when sentenced they are transferred to the Lahore Jail. An electric fan is being installed in one of the European detention wards and an electric light in each of the two wards. I have not yet received information from the North-West Frontier Province, but, if the Honourable Member wishes, I will let him know the facts later.

REMOVAL OF THE RESTRICTIONS ON THE ADMISSION OF GERMANS INTO INDIA.

254. ***Mr. S. C. Ghose** : (a) Will the Government state when the restrictions as regards the admission of Germans to India will be removed ?

(b) Are Government prepared to consider the desirability of removing these restrictions as soon as possible ?

REMOVAL OF THE RESTRICTIONS ON THE ADMISSION INTO INDIA OF FORMER ENEMY NATIONALS.

255. ***Mr. S. C. Ghose :** (a) Will the Government state if there are restrictions as regards admission to India of the former enemies of the British Empire in the last Great War ?

(b) If the answer is in the affirmative, do Government propose to take steps to remove these restrictions at an early date ?

The Honourable Sir Alexander Muddiman : With your permission, Sir, I propose to answer questions Nos. 254 and 255 together.

The attention of the Honourable Member is invited to the Home Department press communiqué of the 8th September 1925, a copy of which is placed on the table.

Copy of the Home Department Press Communiqué of the 8th September 1925.

In Press Communiqué, dated the 22nd November 1919, and the 22nd January 1920, the Government of India with the approval of His Majesty's Secretary of State for India, announced their intention of excluding *ex-enemy* aliens from India for a period of five years after the conclusion of the war, and except in special cases, this policy has since been followed. The conclusion of the Anglo-German Treaty, however, and the withdrawal of all restrictions against the entry of *ex-enemy* aliens as such into the United Kingdom have made a complete change in the position, and following the example of His Majesty's Government, the Government of India have now decided to withdraw the general restriction on the entry of *ex-enemy* aliens into India. In future no discrimination will be made against *ex-enemy* aliens as such in granting visas to enter India. The passport regulations will be maintained and under them it will be possible to exclude undesirables of *ex-enemy* nationality to the same extent as such persons of other nationalities may be excluded from India.

2. The modifications in the detailed arrangements for the admission into India of alien Christian Missionary Societies and organisations and their individual members and of individual alien Christian Missionaries which will follow from the above decision are being considered and will be communicated to the authorities and persons concerned in due course.

EMPLOYMENT OF INDIANS AS COMMERCIAL INTELLIGENCE AND TRADE OFFICERS IN FOREIGN COUNTRIES.

256. ***Mr. S. C. Ghose :** (a) Will the Government state what steps are being taken to increase the sales of Indian goods in foreign countries ?

(b) Are Government aware that there is a Far Eastern Division of the United States of America Department of Commerce to popularize American goods in Eastern countries ?

(c) Do Government propose to consider the desirability of appointing Indians as Commercial Intelligence and Trade Officers in foreign countries ?

The Honourable Sir Charles Innes : (a) As the Honourable Member is no doubt aware, there is in existence in Calcutta, a Department of

Commercial Intelligence and Statistics. It is one of the duties of this Department to encourage Indian overseas trade by means of trade introductions, that is, by introducing Indian firms of good standing and reputation to foreign merchants, and by the supply to Indian firms of information as to trade openings abroad. The Department also circulates full information regarding Indian produce and manufactures to foreign merchants likely to be interested. It works in close-touch with the Indian Trade Commissioner, who discharges similar functions in London and in addition organises Indian exhibits in British and Continental Fairs and does propaganda work by means of the public Press. Further, information regarding foreign exhibitions is brought to the notice of Chambers of Commerce and others likely to be interested.

(b) Yes.

(c) As mentioned above, there is one Indian Trade Commissioner stationed in London. The Government have no present intention of appointing any more.

Sir Walter Willson : If the Government have not favoured Mr. S. C. Ghose with a copy of the Indian Trade Commissioner's Annual Report from London, will they kindly send him one ?

The Honourable Sir Charles Innes : It is usually published in the Gazette of India.

GRANT OF A BOUNTY TO INDIAN COAL.

257. ***Mr. K. C. Neogy :** (a) Has the attention of Government been drawn to the opinion expressed by the majority of the Tariff Board, and the definite finding of the minority, in their report of April, 1926, that two of the principal causes for the loss of export business in the coal trade were (1) the embargo placed upon the export of coal in 1921 (2) the rise of the exchange from 1s. 4d. to 1s. 6d. to the rupee in 1924 ? If so, what steps do the Government propose to take to compensate the coal industry for the loss sustained by reason of the action of the Government ? Do Government propose to consider the desirability of giving the industry assistance by way of a substantial bounty in order to enable it to recapture the export market ?

(b) Are Government aware that the recent increase of rebate by 12½ per cent. of railway freight on export of graded coal is not considered by the trade to be sufficient to help the recovery of the overseas market ?

(c) Is it the finding of the majority report of the Tariff Board that the coal industry satisfies more or less the conditions laid down by the Fiscal Commission to justify its claim to protection, and is it the decision of the Board that a duty on South African coal alone would not result in the development of the industry ?

(d) If so, do Government propose to consider the question of a bounty to Indian coal for its protection ?

The Honourable Sir Charles Innes : The Government have indicated their course of action quite clearly in their pronouncements on the Reports of the Indian Coal Committee and the Indian Tariff Board. If the Honourable Member is dissatisfied it is always open to him to give notice of a Resolution on the subject. In the meantime the Government of India have nothing to add to what they have already said.

Mr. K. C. Neogy : Will the Honourable Member accept short notice of a Resolution so as to enable me to move it to-morrow ?

The Honourable Sir Charles Innes : No, Sir.

INCREASE OF THE EXISTING DUTY ON COAL.

258. ***Mr. K. C. Neogy :** Is it the unanimous finding of the Board that a small increase of duty by Rs. 1-8 will lead to an increase in the sales of Indian coal by some 300,000 tons a year, and that such a course will not add appreciably to the cost of coal to consumers, but will put a stop to the present unjustifiable drain on the economic resources of the country ? If so, do Government propose to reconsider their attitude in regard to this question as revealed in the Resolution of the Commerce Department, dated the 17th July 1926 ?

The Honourable Sir Charles Innes : The decision not to increase the existing duty on coal was taken after very careful consideration and is, as the Honourable Member is aware, in accordance with the finding of the majority of the Board. The Government do not therefore propose to reconsider it.

FURTHER EXAMINATION OF THE QUESTION OF EXPORT OF COAL.

259. ***Mr. K. C. Neogy :** Has the attention of Government been drawn to the observations in the minority report of Mr. Ginwala that " the examination of the question of the export of coal is still incomplete " and that it can no longer be undertaken as a piecemeal business, and do they contemplate taking any further action in the light of these observations ?

The Honourable Sir Charles Innes : The Government are aware of the views expressed by Mr. Ginwala and have given them the fullest consideration. But they have no present intention of taking any further action to assist the export trade in coal beyond that which they have already taken on the Report of the India Coal Committee

NOMINATION OF SIR C. P. RAMASWAMI AIYER TO REPRESENT INDIA AS A SUBSTITUTE DELEGATE AT THE FORTHCOMING SESSION OF THE LEAGUE OF NATIONS.

260. ***Mr. B. Das :** (a) Will Government be pleased to state what were the special reasons that prompted them to nominate a fourth gentleman in Sir C. P. Ramaswami Aiyer to the League of Nations' meeting ?

(b) If a second Indian was to be chosen why was the choice not made at the time of the original announcement ?

Mr. L. Graham : (a) The number of delegates to the Assembly of the League of Nations is by the covenant limited to 3. It is, however, permissible to add to the delegation substitute delegates whose special function is to sit in Committees of which there are six when it is not possible for the delegates themselves to attend. They may also sit in the Assembly in the place of absent delegates. As an experimental measure with a view to afford relief to the three delegates, it was decided this year to appoint three substitute delegates. One of those substitute delegates is Sir C. P. Ramaswami Aiyer. With him also as substitute delegates are Sir Edward Chamier and Sir Basanta Mullick.

(b) After the delegates had been selected, the number and personnel of the substitute delegates was considered and settled.

Mr. B. Das : May I inquire if this extra expenditure incurred on sending three substitute delegates in addition to the three delegates to the League of Nations is at all necessary ?

Mr. L. Graham : I think, Sir, that if the Honourable Member had heard or understood what I said in reply to part (a) of his question, he would not have asked that supplementary question.

Sir Hari Singh Gour : May I beg to inquire if in the case of delegates from the other nations which are members of the League of Nations any person is appointed as a delegate who is not a Member of Parliament for the time being ?

Mr. L. Graham : Many persons, Sir.

Sir Hari Singh Gour : Will the Honourable Member give me one instance ?

Mr. L. Graham : No, Sir ; I cannot trust my memory to that extent.

EXEMPTION FROM REGISTRATION OF AGREEMENTS TO SELL IMMOVEABLE PROPERTY.

261. ***Khan Bahadur W. M. Hussanally :** (a) Are the Government aware of a recent decision of the Privy Council by which all agreements to sell immoveable property require to be registered ?

(b) Is it a fact that since 1877 such documents were exempt from registration under the Indian Registration Act and that all the Indian High Courts were agreed upon the point ?

(c) Do Government propose to bring in an amending Bill exempting such documents from registration to prevent any hardship which might result from this decision ? If so, when ?

The Honourable Sir Alexander Muddiman : I have seen the Privy Council judgment in the case of Dayal Singh *versus* Indar Singh to which the Honourable Member presumably refers, but I could not, without more study than I have been able to give to the matter, endorse his description of its effect. I will have the effect of the judgment examined as soon as possible.

REVALUATION OF BUILDINGS AND LANDS IN THE BARODA CANTONMENT.

262. ***Khan Bahadur W. M. Hussanally :** 1. (a) Is it a fact that the Baroda Cantonment authorities have in March 1926 revalued the buildings and lands within the Baroda Cantonment for the purpose of house and other taxes ?

(b) Is it a fact that a large number of the owners of houses and lands had petitioned the Cantonment authorities in April 1926, protesting strongly against the basis on which they made their valuations ?

(c) Will Government be pleased to state what action has been taken by the Cantonment authorities in this respect ?

2. (a) Have the Cantonment authorities made the said revaluation of buildings and lands in terms of the definition of " annual value " as stated in clause (b), section 64, Chapter V of Act II of 1924 ?

(b) Will Government be pleased to state under what rule the Cantonment authorities at Baroda are justified in their present practice according to which the annual rental value of all houses and buildings in the said Cantonment is assessed at 10 per cent. of their valuation as estimated by them ?

(c) Do Government propose to issue orders to the Baroda Cantonment authorities to discontinue this practice of fixing the annual rental value, taken as a basis for house tax ?

Mr. E. Burdon : I am making inquiries and will let the Honourable Member know the result as soon as possible.

REDUCTION OF EXPENDITURE ON THE OFFICE STAFF IN THE BARODA CANTONMENT.

263. ***Khan Bahadur W. M. Hussanally :** (a) Are Government aware that the Baroda Cantonment comes under class 3, among Cantonments in which the Cantonment authority is a Corporation Sole, and that its financial resources are very limited, its civil population not exceeding 2,455 ?

(b) Are Government also aware that, since the separation of executive and magisterial work, an office staff is maintained by the Cantonment Office involving an outlay of Rs. 5,000 per year ?

(c) If Government's answer to the above be in the affirmative, do Government propose to bring to the notice of the Cantonment authorities the desirability of reducing expenditure on office staff commensurate with the decrease of work ?

Mr. E. Burdon : (a) Yes, Sir.

(b) The expenditure is approximately Rs. 5,000 per year which includes the cost of the Executive Officer.

(c) The Government do not propose to interfere in the matter as the expenditure on office staff does not seem to be disproportionate to the work done.

CONVERSION INTO A HOSPITAL OF THE NANAVATI DISPENSARY IN THE BARODA CANTONMENT.

264. ***Khan Bahadur W. M. Hussanally :** (a) Is it a fact that in connection with the Nanavati dispensary, located in the Baroda Cantonment, no charge allowance was ever paid to the Senior Medical Officer at Baroda till very recently ?

(b) Will Government be pleased to state whether the said dispensary was converted into a hospital and the Senior Medical Officer was allowed to draw hospital charge allowance in respect of the same, and if so, why ? Do Government propose to inquire how many cases of indoor patients have been admitted since the dispensary was converted into a hospital ?

Mr. E. Burdon : I am making enquiries and will let the Honourable Member know the result as soon as possible.

PUBLICATION OF A STATEMENT OF THE ACCOUNTS OF THE CANTONMENT FUND,
BARODA CANTONMENT.

265. ***Khan Bahadur W. M. Hussanally** : Are Government prepared to instruct the Baroda Cantonment authorities to publish a statement of accounts of the Cantonment Fund every year for the information of the tax-payers ?

Mr. E. Burdon : I will consider the suggestion, Sir.

OPENING OF GUJERAT TO RECRUITING FOR THE INDIAN ARMY.

266. ***Mr. E. F. Sykes** : (a) Will the Government be pleased to state whether it is proposed to open Gujrat to recruiting for the Indian Army ?

(b) If not, why was a Committee consisting entirely of Gujrati gentlemen sent at the public expense to investigate the military training establishments of Europe and America ?

Mr. E. Burdon : (a) The answer is in the negative.

(b) I do not quite grasp the connexion of this part of the question with the first part, but I may mention that it was not a Committee that went to Europe and America, but a deputation selected by the Indian Sandhurst Committee from among its own members. It happened that the only three members who were so selected and were able to undertake the deputation, were gentlemen from the Bombay side. One of them is a retired military officer of distinction, and the other two, as the Honourable Member is aware, are prominent members of the Indian Legislature. The Committee were entirely satisfied as to the competence of these gentlemen to investigate and report to the Committee on the matters in question.

INDIANISATION OF THE RAILWAY SERVICES.

267. ***Dr. K. G. Lohokare** : Has the attention of Government been drawn to an editorial note regarding Indianisation of the Railway Services which appeared in the issue of the *Tribune* of Lahore of July 29, 1926 ; and if so, is it proposed to issue, as there suggested, a pamphlet setting out in full detail the rules and conditions governing recruitment to the higher services ?

The Honourable Sir Charles Innes : Government have seen the editorial note mentioned by the Honourable Member, and will consider the suggestion contained in it.

PAY AND PROSPECTS OF THE CLERICAL STAFF OF THE ARMY HEADQUARTERS
OFFICES.

268. ***Dr. K. G. Lohokare** : Has the attention of Government been drawn to an editorial note on " Army Clerks " which appeared in the issue of the *Servant of India* of August 12, 1926 ? Is it contemplated to appoint a Sub-Committee of the Innes Committee to inquire into the conditions of service and the pay and prospects of the clerical staff of the Army Headquarters offices ; and if so, is it proposed to appoint representatives of the clerks on the Sub-Committee ?

Mr. E. Burdon : Government have seen a copy of the article referred to by the Honourable Member. The answer to the remaining two parts of the question is in the negative, since the questions raised by the Honourable Member have already been considered by the Innes Committee itself.

INCLUSION OF URDU AS A SUBJECT FOR THE I. C. S. EXAMINATION TO BE HELD IN INDIA.

269. ***Khan Bahadur Saiyid Muhammad Ismail :** 1. With reference to the Regulation prescribed for the competitive examination of the Indian Civil Service to be held in India, will the Honourable the Home Member be pleased to state :

(a) why Urdu also has not been prescribed for Bihar and Orissa in the list of principal vernaculars, prescribed for the various Provinces, it being so recognised there ?

(b) why candidates whose mother language is Urdu have been debarred from offering this language as the principal vernacular language ?

2. Are Government aware that there is a general and persistent demand to prescribe Urdu in the list of principal vernaculars of Bihar and Orissa ?

3. Has their attention been drawn and, if so, with what result, to the various resolutions passed by the Provincial Urdu Conference demanding Government to include Urdu amongst the list of prescribed languages for the Indian Civil Service Examination ?

The Honourable Sir Alexander Muddiman : The principal vernaculars prescribed are those in most general use in each of the provinces. It would not be practicable to prescribe for each province every vernacular which is spoken as his mother tongue by any resident in the province. I must point out that the subjects of examination are prescribed by rules made by the Secretary of State in Council with the advice and assistance of the Civil Service Commissioners under section 97, sub-sections (1) and (2) of the Government of India Act. I am prepared, however, if the Honourable Member so desires, to enquire from the Government of Bihar and Orissa whether there is any extensive demand for the inclusion of Urdu.

RAISING OF THE CONTRACTORS' PERCENTAGE FOR CONSTRUCTING THE REMAINDER OF THE BUILDING FOR THE FOREST RESEARCH INSTITUTE, DEHRA DUN.

270. ***Khan Bahadur Saiyid Muhammad Ismail :** (a) Will the Government be pleased to say whether it is a fact :

(i) that the contractor for constructing the first part of the new building of the Forest Research Institute, Dehra Dun, offered to construct the remainder of the building at a price 14 per cent. below the estimated cost ?

(ii) that in spite of this offer, the work was given to him at a price 2½ per cent. below the estimated cost ?

(iii) that the Chief Engineer recommended the acceptance of the first offer, but was overruled ?

(b) What is the estimated resultant loss as a consequence of raising the contractor's percentage ?

(c) If the answer to (a) (iii) is in the affirmative, who was the official by whose advice the Chief Engineer was overruled ?

(d) What disciplinary action has been taken, or is proposed to be taken against that official ?

The Honourable Sir Bhupendra Nath Mitra : (a). (i) The answer is in the affirmative.

(ii) As a result of a public call for tenders, the existing contractor's tender, which was the lowest, was accepted.

(iii) Yes. The P. W. D. Code, however, prescribes that tenders should invariably be invited. Consequently the Chief Engineer's proposal could not be accepted.

(b) The raising of the contractor's percentage was due *inter alia* to an increase in the rates at which certain Government stores were to be issued to the contractor as well as to certain alterations in the conditions and specifications attaching to the second contract. The financial effect of those modifications is not calculable at present.

(c) and (d). Do not arise.

NUMBER OF MUSLIM AND NON-MUSLIM POSTAL OFFICIALS IN THE BOMBAY PRESIDENCY.

271. ***Khan Sahib M. E. Makan :** Will the Government be pleased to state :

(a) the number of (1) Superintendents, (2) Inspectors, (3) Postmasters, and (4) Clerks, both Muslim and non-Muslim, in the Postal Department in the Bombay Presidency proper ?

(b) the educational qualifications of each of the Superintendents and the Inspectors ?

(c) what are the minimum qualifications necessary for the posts of Superintendents and Inspectors ?

(d) whether there are any rules laying down the necessary standard of qualifications for these posts and what are they, if any ?

Sir Ganen Roy :

(a) Superintendents { Muslim—1.
non-Muslim 20.

Inspectors { Muslim—Nil.
non-Muslim—42.

Postmasters { Muslim—36.
non-Muslim—669.

Clerks { Muslim—153.
non-Muslim—3,065.

(b) Superintendents 1 Muslim—M.A., LL.B.

20 non-Muslim { 4—M.A.
1—B.A., LL.B.
8—B.A.
1—Intermediate.
1—Matric.
5—Passed no University examination.

Inspectors 42 non-Muslim { 1—M.A.
8—B.A.
3—Intermediate.
25—Matric.
3—School Final.
2—Passed no University examination.

Maulvi Muhammad Yakub : Considering the very small number of Muslims in the Postal Department, do the Government propose to direct the higher authorities of the Postal Department in the Presidency that preference should be given in future to qualified Muslims in the service of that Department ?

The Honourable Sir Bhupendra Nath Mitra : The Home Department orders are being followed in the case of future recruitment to the Postal Department.

Maulvi Muhammad Yakub : Do the Government of India see that the circular which they issued to this Department is being carried into effect ?

The Honourable Sir Bhupendra Nath Mitra : Orders have been issued by the Director General to the Postmasters generally that in making future recruitment the orders should be given effect to.

Maulvi Muhammad Yakub : My question was, do the Government of India see that effect is in practice given to this Resolution ? The mere issuing of the order will not remove the grievances of the Muslims.

The Honourable Sir Bhupendra Nath Mitra : The Government of India receive statistics showing the position of the service in the various Circles and therefore they are in a position to judge whether the orders are being given effect to or not. At the same time I am not sure whether the Honourable Member is in order in asking these supplementary questions. I understand that the question as a whole has not been fully answered.

Mr. B. Das : Is it not a fact that in Bombay the Mussalmans are engaged in more prosperous pursuits, and that, therefore, very few applications are received from Muhammadans for Government service ?

Sir Ganen Roy : I have not yet finished my answer. I have still to answer parts (c) and (d) :

(c) No minimum qualifications are laid down. Probationary Superintendents are required to be well educated, of good birth and physique. Superintendents recruited from the ranks are

selected for their efficiency and aptitude for exercising supervision and for taking responsibility. Officials who show promise of making good supervising and investigating officers are selected for Inspector's appointment. Candidates for both appointments have to pass a qualifying technical examination.

(d) No.

Pandit Shamial Nehru : May I ask to whom the posts will go if Muhammadans of the requisite qualifications are not available, if the posts are meant for Muhammadans only ?

The Honourable Sir Bhupendra Nath Mitra : It will obviously go to a non-Muslim, if there is absolutely no Muhammadan with the requisite qualifications.

Khan Bahadur W. M. Hussanally : Are the Government aware that there are Muhammadans with the requisite qualifications available everywhere ?

The Honourable Sir Bhupendra Nath Mitra : Whether Muhammadans are available or not comes out in connection with the operation of the normal orders regulating the recruitment to the various branches of the service. Take for example, postal clerks. For postal clerks, there is an examination and if a Muhammadan passes the qualifying examination, his name is put down in the list of approved candidates. If there is no Muhammadan who can pass that qualifying examination, it follows that there is no Muhammadan qualified for appointment.

Maulvi Muhammad Yakub : Will the Government see that equal facilities are given to Mussalmans to appear for this examination as well as others ?

The Honourable Sir Bhupendra Nath Mitra : Government have no reason to apprehend that equal facilities are not given.

LACK OF WAITING ROOMS ON THE STATIONS ON THE BROACH-JAMBOOSAR RAILWAY.

272. ***Khan Sahib M. E. Makar :** 1. Are the Government aware :

(a) that there are no waiting rooms on the stations on the Broach-Jamboosar Railway ?

(b) that great hardship is thus experienced by upper class passengers ?

2. What steps have the railway authorities (Bombay, Baroda and Central India Railway) taken in pursuance of a reference made to them ? (Vide my questions Nos. 699, dated the 7th September 1925, and 1042, dated the 1st March 1926) ?

Mr. A. A. L. Parsons : (a) and (b). No.

(c) Beyond the fact that copies of the questions and replies were sent to the Agent, Bombay, Baroda and Central India Railway for such action as he might consider necessary, Government have no information.

ABSENCE OF PLATFORMS AT GODHRA AND COSAMBA ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

273. ***Khan Sahib M. E. Makan :** With reference to the reply to starred question No. 1351 asked in the Legislative Assembly meeting of the 22nd March 1926, will Government please state whether any action has been taken by the railway authorities to remove the inconvenience and loss caused to the public owing to the absence of platforms at the stations of Godhra and Cosamba on the Bombay, Baroda and Central India Railway ?

The Honourable Sir Charles Innes : Government understand that action is being taken on the matters referred to by the Honourable Member.

INCONVENIENCE SUFFERED BY PASSENGERS OWING TO THE ABSENCE OF A WATER-PIPE AT AMOD STATION ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

274. ***Khan Sahib M. E. Makan :** 1. Are Government aware that :

(a) owing to the absence of a water-pipe the passengers have to undergo great hardship for water on the station of Amod, Bombay, Baroda and Central India Railway, which is far away from the town ?

(b) the railway authorities had some correspondence with the Thakore Sahib of Amod regarding the supply of a water-pipe from his well ?

2. Will the Government be pleased to state what steps have been taken and will be taken hereafter for the removal of the said hardship ?

Mr. A. A. L. Parsons : 1 and 2. Government have no information as regards this particular station. It must be left to the Agent to decide how the money provided in the budget for amenities to passengers can be spent to the best advantage, but I will communicate the Honourable Member's suggestion to him.

RULE REGARDING THE EMPLOYMENT OF MATRICULATES ONLY ON THE NORTH-WESTERN RAILWAY.

275. ***Khan Bahadur W. M. Hussanally :** 1. (a) With reference to the answer to my starred question No. 62 on 18th August 1926, will Government please state in what year the rule in question was promulgated ?

(b) Is it a fact that it was in abeyance all this time until the new Divisional Scheme on the North Western Railway was brought into force ?

2. Is it a fact that in the Sind Division the rule is rigidly enforced even in regard to small appointments like those of signallers in training, luggage and booking clerks at stations and the like ? If so, why ?

RULE REGARDING THE EMPLOYMENT OF MATRICULATES ONLY ON THE NORTH-WESTERN RAILWAY.

276. ***Khan Bahadur W. M. Hussanally :** 1. Is it a fact that recently a number of applications from Muslim non-Matriculates were sent by

the Secretary, Sind Mahomedan Association to the Divisional Superintendent of the North Western Railway at Karachi, but were rejected by that officer on the ground that he could appoint none but Matriculates to those places ?

2. (a) Will Government please lay on the table a statement showing the number of clerks in all divisional offices at Karachi, and the number of those who are Matriculates and those who are not ?

(b) How many new men were recruited as clerks during the last two years ? How many of them were Matriculates and how many non-Matriculates ?

(c) How many of them were Sindhi Muslims ?

RECRUITMENT OF SIGNALLERS AND LUGGAGE AND BOOKING CLERKS IN THE SIND DIVISION OF THE NORTH-WESTERN RAILWAY.

277. *Khan Bahadur W. M. Hussanally : (a) How many fresh men were recruited during the last two years in the Sind Division of the North Western Railway as signallers, luggage and booking clerks at stations and how many of them were Sindhis and how many non-Sindhis ?

(b) Of the Sindhis how many were Muslims ?

EMPLOYMENT OF SINDHI MUSLIMS ON THE NORTH WESTERN RAILWAY.

278. *Khan Bahadur W. M. Hussanally : (a) Are Government aware that there is very great discontent in Sind over Sindhi Muslims not receiving their fair share of appointments high or low on the North Western Railway ?

(b) Do Government propose to remove this discontent by drawing the attention of the railway administration to this matter ?

The Honourable Sir Charles Innes : I propose to reply to questions Nos. 275 to 278 together. As I informed the Honourable Member on August 18th, I have been informed by the Agent that the rule prescribing the Matriculation Standard as a necessary qualification for employment in the clerical staff on the North Western Railway has been in force for a long time. I am not aware of the exact year in which the rule as applied to the clerical staff was brought into force but I will enquire and let the Honourable Member know separately. I will also enquire whether this rule also applies to signallers in training. As regards the rest of the Honourable Member's question, I am sorry that I cannot undertake to lay on the table the detailed information called for. I understand that his general complaint is that Sindhis do not get what the Honourable Member considers to be their fair share of appointments on the North Western Railway. The Government of India have laid down a policy that steps should be taken to prevent an undue preponderance of any one class or community in the public service and this policy has on more than one occasion been communicated to Railway Agents. But it has not, as far as I am aware, been thought necessary to prescribe that special steps should be taken to ensure a fair distribution of subordinate railway appointments among the different provinces through which a railway passes. Nor has the question been brought specially to my notice, as far as I can remember, except in respect of Sind. I understand that the matriculation qualification is the main difficulty in the way of Sindhis getting employment and if this is correct obviously the remedy lies in their own hands.

Khan Bahadur W. M. Hussanally : One of my questions has not been answered. I asked whether the Sind Muhammadan Association has sent a number of application from non-Matriculate Muslims for appointments of signallers, and so on, and that part has not been answered.

The Honourable Sir Charles Innes : I told the Honourable Member that I was not prepared to furnish the detailed information called for.

Khan Bahadur W. M. Hussanally : That is no answer.

COLONIZATION OF THE ANDAMANS BY MOPLAH PRISONERS.

279. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : Will the Government please state whether the proposal to colonize the Andaman Islands by Moplah prisoners has been dropped or not ?

The Honourable Sir Alexander Muddiman : I explained the position in detail in the discussion on the Resolution the other day.

PUBLICATION BY THE *Indian Pictorial Monthly Journal*, Delhi, OF A CARTOON OFFENSIVE TO MUHAMMADANS.

280. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (a) Has the attention of the Government been drawn to the cartoon sketched in the *Indian Pictorial Monthly Journal*, Delhi, in its issue of June 1926, describing a supposed picture of the Great Prophet Mohamed (peace be on him) by which the Islamic religion has been grossly affronted and the feelings of millions of Muhammadans have been injured ?

(b) If so, will the Government please state if any legal action against the editor of the journal has been taken so far ? If not, why not ?

The Honourable Sir Alexander Muddiman : (a) and (b). The journal in question is printed and published in Allahabad, and the matter is therefore primarily one for the Government of the United Provinces. I am not aware whether legal action was taken, but I understand that an apology has been offered.

DENIAL OF THE RIGHT TO MUHAMMADANS OF POSSESSING SWORDS WITHOUT LICENSES.

281. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (a) Are Government aware that each Sikh can possess a sword called a *kirpan* without any licence but that the same right is denied to Muhammadans ?

(b) Are Government aware that at various places in the Punjab and elsewhere the Sikhs have made use of these swords against the Muhammadans ?

(c) If so, will the Government please state whether they have made or intend to make any provision for the protection of unarmed Muhammadans ?

(d) In view of the above, do Government propose to consider the desirability of making the possession of such swords unrestricted for Muhammadans also ?

The Honourable Sir Alexander Muddiman : (a), (b) and (d). The Honourable Member is referred to the reply given on the 18th instant to Mr. Abdul Haye's question No. 20.

(c) Government do not consider such provision necessary

ORDER OF DEPORTATION AGAINST THE EDITOR OF THE *Habul-Matin* OF CALCUTTA.

282. *Maulvi Muhammad Yakub : (a) Will Government be pleased to inquire and state the facts which led to the order of deportation against the editor of the *Habul-Mateen* of Calcutta ?

(b) For how many years was this paper in publication at Calcutta ? Was the editor of the *Habul-Mateen* ever prosecuted and convicted of any political offence ?

(c) Was the editor given an opportunity to explain any charges that may have been framed against him or to offer an apology and give an undertaking about his future conduct before orders of deportation were passed against him ?

(d) Are Government prepared to review the order of deportation, with or without any conditions, if properly approached in this behalf ?

(e) Was ever any other editor of a newspaper in India charged with the offence of which the editor of the *Habul-Mateen* was found to be guilty ? Were orders for deportation ever passed against any other editor in India ?

CANCELLATION OF ORDER OF DEPORTATION AGAINST THE EDITOR OF THE *Habul-Matin*, CALCUTTA.

283. *Maulvi Sayad Murtuza Sahib Bahadur : (a) Has the attention of the Government been drawn to the proceedings of a public meeting of the leading Mussalmans of Calcutta, held on the 15th August 1926, protesting against the order of deportation passed by the Government of India on Mr. Syed Jalaluddeen al Husaini, the editor of the *Habul-Mateen*, Calcutta, setting forth the hardships which the venerable journalist would be subjected to in case the said order be given effect to and requesting the Government to be so kind as to cancel it ?

(b) Are the Government aware that the gentleman, though a Persian by birth, has made Calcutta his homeland and has been living there for the last 40 years peacefully ?

(c) Are the Government aware that the journalist is now advanced in years and has lost the sight ?

(d) Are Government prepared to bestow their favourable consideration on the matter and cancel the order of deportation, in view of the advanced age and blindness of the journalist who has spent the prime of his life in the cause of the country and the nation ?

Sir Denys Bray : With your leave, Sir, I will reply to questions Nos. 282 and 283 together.

No order of deportation has been passed against the editor of the *Habul-Mateen*.

Maulvi Muhammad Yakub : May I know if any orders have been passed against the editor of the *Habul-Mateen* by the Government of Bombay or the Government of India ?

Sir Denys Bray : No order.

Khan Bahadur W. M. Hussanally : Is the Honourable Member aware that in the daily papers it was given out that the editor has been ordered to be deported ?

Sir Denys Bray : I am afraid I am not responsible for what appears in the papers.

Mr. K. Ahmed : Do the Government propose to make a declaration that the editor of the *Habul-Muteen* is not to be deported ?

Sir Denys Bray : I am prepared to give the assurance to the Honourable Member that the editor will not be deported for anything that has happened already.

STATEMENT MADE BY SIR LOUIS KERSHAW REGARDING THE BENGAL AND BOMBAY CHAMBERS OF COMMERCE BEING THE MOST REPRESENTATIVE ORGANISATIONS OF THE EMPLOYERS IN INDIA.

284. ***Mr. B. Das :** (a) Will the Government be pleased to state if their attention has been drawn to the statement made by Sir Louis Kershaw, the delegate of the Government of India, before the Credentials Committee of the ninth Session of the International Labour Conference, Geneva, that the Bengal and the Bombay Chambers of Commerce are the most representative organisations of the employers in India ?

(b) If the answer to (a) be in the affirmative, will Government be pleased to state if Sir Louis Kershaw had their authority to make such a statement ?

(c) If the answer to (b) be in the affirmative, will Government be pleased to state their reasons for authorising Sir Louis Kershaw to make such a statement ?

The Honourable Sir Bhupendra Nath Mitra : I would refer the Honourable Member to the letter recently published from the Government of India in the Department of Industries and Labours, No. L-1398 of 5th August 1926, to the Secretary, Indian Merchants' Chamber, Bombay ; a copy of this letter is being sent to the Honourable Member.

Mr. B. Das : I would like to know whether Sir Louis Kershaw was authorised to make that statement.

The Honourable Sir Bhupendra Nath Mitra : I would ask the Honourable Member to read the letter carefully and he will find the answer there.

Mr. B. Das : What objection is there to informing us on the floor of the House as to what Government's instruction was to Sir Louis Kershaw ?

The Honourable Sir Bhupendra Nath Mitra : The information, Sir, has already been published and I have no intention of wasting the time of the House.

Mr. K. Ahmed : Will the Honourable Member enlighten the House in short ?

Pandit Shamlal Nehru : Was the statement made on behalf of the Government of India and with their consent ? I want an answer, "yes" or "no".

The Honourable Sir Bhupendra Nath Mitra : The Honourable Member is simply repeating the question and I have replied to it.

QUALIFICATIONS FOR THE PILOT SERVICE.

285. ***Mr. B. Das :** Will Government be pleased to state if a certificate of competency as master is necessary for any one who wishes to enter the Pilot Service at Bombay, Karachi, Calcutta, Rangoon, Madras and at other Indian ports where pilots are appointed ?

QUALIFICATIONS FOR THE POSTS OF HARBOUR MASTERS, ASSISTANT HARBOUR MASTERS, DOCK MASTERS, ASSISTANT DOCK MASTERS AND BERTHING MASTERS APPOINTED BY THE VARIOUS PORT TRUSTS IN INDIA.

286. ***Mr. B. Das :** Will Government be pleased to state the qualifications necessary for the posts of Harbour Masters, Assistant Harbour Masters, Dock Masters, Assistant Dock Masters and Berthing Masters appointed by the various Port Trusts in India ?

NUMBER OF PORT OFFICERS, SHIPPING MASTERS, ETC., EMPLOYED AT THE PORTS IN INDIA.

287. ***Mr. B. Das :** Will Government be pleased to state the total number of each of the following officers at the ports in India giving separate figures for Indian and non-Indian officers ?

- (a) Port Officers.
- (b) Shipping Masters.
- (c) Pilots.
- (d) Dock Masters.
- (e) Harbour Masters.
- (f) Assistant Dock Masters.
- (g) Assistant Harbour Masters.
- (h) Berthing Masters.

The Honourable Sir Charles Innes : I will reply to questions Nos. 285 to 287 together.

A certificate of competency as Master is not necessary for entering the Pilot Service at Calcutta. Pilot Services at other major ports are under the control of Port Trusts. Government have no information as regards the qualifications required of candidates for these Services, nor are they in possession of the information asked for in questions Nos. 286 and 287. Information on these points is being obtained from the Local Governments and will be supplied to the Honourable Member on receipt.

QUALIFICATIONS OF PORT OFFICERS AT THE VARIOUS PORTS IN INDIA.

288. ***Mr. B. Das :** Will Government be pleased to state which authority appoints the Port Officers at Bombay, Calcutta, Karachi, Madras, Chittagong, Rangoon and at other Indian ports and what are the qualifications necessary for that post ?

The Honourable Sir Charles Innes : The appointments of Port Officer, Calcutta, Madras, Bombay, Rangoon, Karachi, Aden, Akyab, Moulmein, Bassein and Chittagong are filled by executive officers of the Royal Indian Marine, who are placed at the disposal of the Local Government by the Government of India. Port Officers at other ports are appointed by the Local Governments.

Mr. K. Ahmed : Do the Government of India, and especially the Department of my Honourable friend, Sir Charles Innes, know what sort of people are appointed, and, if proper people are not appointed, do they propose to take steps to do the needful ?

The Honourable Sir Charles Innes : I would point out, Sir, that that is a hypothetical question.

CONTRACTS FOR THE SUPPLY OF ICE AND SODA WATER ON THE NORTH WESTERN RAILWAY.

289. ***Khan Bahadur W. M. Hussanally :** (a) Has any firm or individual ever had the ice and soda contract on the North Western Railway and sublet the same at a profit ?

(b) If so, what is the name of the firm or individual ?

Mr. A. A. L. Parsons : (a) and (b). Government have no information.

Khan Bahadur W. M. Hussanally : Will the Government please call for information ?

Mr. A. A. L. Parsons : No, Sir.

Khan Bahadur W. M. Hussanally : Why not ?

Mr. A. A. L. Parsons : Because they do not think it worth while.

Maulvi Muhammad Yakub : May I know, Sir, if the Honourable Members of this House are entitled to reasonable answers to their questions from the Government Benches ?

Mr. President : The Honourable Members are entitled to get reasonable answers to reasonable questions.

RECENT DECISION OF THE PRIVY COUNCIL REGARDING REGISTRATION OF AGREEMENTS TO SELL IMMOVEABLE PROPERTY.

290. ***Mr. K. Venkataramana Reddi :** (a) Has the attention of Government been drawn to the leaderette of the *Times of India*, (page 12), dated the 16th of August 1926, regarding a decision of the Privy Council relating to the registration of agreements for the sale of immoveable property ?

(b) Do Government propose to bring forward legislation with retrospective effect to set at nought the conflict of decisions on the point ? If not, why not ?

The Honourable Sir Alexander Muddiman : (a) and (b). The Honourable Member is referred to the answer which I have just given to Khan Bahadur Hussanally's question on the same subject.

OMISSION FROM THE WARRANT OF PRECEDENCE OF MEMBERS OF THE CENTRAL AND PROVINCIAL LEGISLATURES.

291. ***Sardar V. N. Mutalik :** Will Government be pleased to state whether it is a fact that members of the Provincial and Imperial Councils had a place in the Warrant of Precedence till June 1921 and is it also

a fact that since July 1921 the members of the Legislature have been deprived of this privilege ?

(b) Did Government have any voice in this arrangement and if so what are the reasons for recommending this change ?

The Honourable Sir Alexander Muddiman : The Honourable Member's attention is invited to the answer given by Sir Malcolm Hailey on the 5th March 1923 to Rai Bahadur T. P. Mukherjee's question No. 444 on this subject.

PRIVILEGE ALLOWED TO THE BOMBAY AND KARACHI CHAMBERS OF COMMERCE TO HAVE ACCESS TO CUSTOMS DOCUMENTS RELATING TO THE COASTING AND FOREIGN TRADE OF BOMBAY AND KARACHI, RESPECTIVELY.

292. ***Mr. B. Das :** Will Government be pleased to state if the Customs Departments at the Ports of Bombay and Karachi have given special facilities to the Bombay Chamber of Commerce and the Karachi Chamber of Commerce, respectively, to take records of the statistics of the coasting and foreign trade of Bombay and Karachi, respectively ?

ACCESS OF THE PUBLIC TO STATISTICS COLLECTED BY THE KARACHI CHAMBER OF COMMERCE FROM THE CUSTOMS DEPARTMENT AT KARACHI.

293. ***Mr. B. Das :** Are Government aware that the reports of the statistics collected by the Karachi Chamber of Commerce from the Customs Department at Karachi are not available to the public on payment as a matter of right ?

REFUSAL OF THE CUSTOMS AUTHORITIES AT RANGOON TO ALLOW THE BURMA INDIAN CHAMBER OF COMMERCE TO HAVE ACCESS TO THE STATISTICS OF THE COASTING AND FOREIGN TRADE OF RANGOON.

294. ***Mr. B. Das :** (a) Will Government be pleased to state if they are aware that the Burma Indian Chamber of Rangoon applied to the Customs authorities at Rangoon to allow them facilities to take records of the statistics of the coasting and foreign trade of Rangoon similar to the facilities granted by the Customs Departments at Bombay and Karachi to the Bombay Chamber of Commerce and the Karachi Chamber of Commerce, respectively, and that they were refused such facilities ?

(b) Are Government aware that the Burma Indian Chamber referred the matter to the Central Board of Revenue and that the Board also refused to give that Chamber such facilities ?

(c) If the answer to (a) and (b) be in the affirmative, will Government be pleased to state the reasons for such differentiation by the Customs authorities between the European Chambers of Bombay and Karachi and the Indian Chamber of Rangoon ?

The Honourable Sir Basil Blackett : 292. Yes. 293. No. 294. (a), (b) and (c). The Government of India are, on principle, opposed to allow public bodies any access to unpublished Customs documents. The practice obtaining in the Bombay and Karachi Custom Houses, under which the Bombay and Karachi Chambers of Commerce are allowed access to unpublished Customs documents is of long standing. The Government of India are not at present prepared to withdraw the existing privilege from

these bodies ; but at the same time they are not prepared to admit any new bodies or firms to the privilege. The privilege claimed by the Burma Indian Chamber of Commerce is not allowed to the Burma Chamber of Commerce in the Rangoon Custom House. There is, therefore, no question of differentiation between the European and the Indian Chambers of Commerce of the same locality.

ESTABLISHMENT OF A TRAINING SHIP IN INDIAN WATERS, ETC.

295. ***Mr. B. Das :** 1. Will Government be pleased to state when they expect the establishment of a training ship in Indian waters and where they have decided to locate the same ?

2. Will Government be pleased to state the number of years which each cadet will have to pass for training on the training ship before he is entitled to receive the training ship leaving certificate ?

3. Will Government be pleased to state the age at which cadets will be admitted for training on the training ship ?

TRAINING OF ENGINEER OFFICERS FOR STEAMERS.

296. ***Mr. B. Das :** Will Government be pleased to state the steps that they propose to take for the training of engineer officers for steamers ?

The Honourable Sir Charles Innes : I will reply to questions Nos. 295 and 296 together.

It is expected that the training ship will be ready next year. It is intended that the school year should begin about the 15th September. The ship will be stationed at Karachi. The matters mentioned in questions Nos. 295 (2) and (3) and 296 are still under consideration.

INDIA ARMY ORDER REGULATING THE APPOINTMENT AND PROMOTION OF SOLDIER CLERKS IN THE ARMY HEADQUARTERS OFFICES.

297. ***Mr. B. Das :** 1. Are Government aware that in 1925 the Army Headquarters issued an India Army Order to the effect that soldier clerks possessing a first class certificate of education will, in all branches of Army Headquarters, be appointed as clerks and promoted as assistants without qualifying themselves at the Staff Selection Board's examination ?

2. Is it a fact that in Army Headquarters especially in the Adjutant-General's Branch those soldier clerks who were twice or thrice declared as quite unfit either for retention in the second division or for promotion to the upper division have been retained or promoted under the India Army Order referred to in Part 1 above ?

3. (a) Will the Government be pleased to state, giving reasons, whether the enforcement of such India Army Order is or is not intended to debar the Indians of Army Headquarters from being promoted to the upper division ?

(b) If the reply be in the affirmative, do Government propose to consider the advisability of the cancellation of this order ?

Mr. E. Burdon : 1. Yes, with the concurrence of the Staff Selection Board and the approval of the Government of India.

2. The India Army Order is merely a description of authorised conditions in regard to candidature. No soldier clerks engaged since the introduction of the Staff Selection Board have been promoted to the first division unless fulfilling the conditions described. No one so engaged have been retained in the second division if declared unfit.

3. (a) The India Army Order is not intended to have the effect suggested. It was designed to provide a small fixed percentage of soldier and ex-soldier clerks combined, for the first division of Army Headquarters as a whole.

(b) Does not arise.

APPOINTMENT OF AN INDIAN AS SUPERINTENDENT IN THE ADJUTANT GENERAL'S BRANCH.

298. *Mr. B. Das : Will the Government be pleased to state why no Indian has been appointed as Superintendent in the Adjutant-General's Branch since its creation ?

Mr. E. Burdon : The employment of Indians in the upper clerical grades of the Adjutant General's Branch was not the practice until about 8 years ago. The average period in which an assistant can attain to the post of Superintendent is between 12 to 15 years in the first division. It follows that no opportunity has presented itself for the promotion of an Indian to Superintendent in the Branch named.

ALLEGED INSULTING TREATMENT OF INDIANS EMPLOYED IN ARMY HEADQUARTERS BY THE EUROPEAN ESTABLISHMENT.

299. *Mr. B. Das : (a) Are Government aware that several representations regarding insulting and highly objectionable treatment meted out to the Indian establishment of Army Headquarters especially in the Adjutant-General's Branch by the European establishment have voluntarily been kept unsubmitted by the subordinate officers to the Heads of these Departments ?

(b) If the reply be in the affirmative will the Government be pleased to state what action they propose to take in the matter ?

(c) If the reply be in the negative do the Government propose to hold a thorough inquiry into the matter and take steps to check this treatment ?

Mr. E. Burdon : (a) No.

(b) Does not arise.

(c) Not unless specific instances are given.

EXERCISE OF CONTROL BY THE HEADS OF BRANCHES OF ARMY HEADQUARTERS OF ESTABLISHMENT MATTERS.

300. *Mr. B. Das : (a) Is it a fact that no attention is being given to the establishment matters by the heads of Branches of Army Headquarters and that everything relating thereto is left to the caprices of the Personal Assistants ?

(b) If the reply be in the negative will the Government be pleased to state why occasional office orders are issued over their signatures ?

(c) If it be in the affirmative do Government propose to issue instructions to the heads of Branches of Army Headquarters to exercise due control on their doings ?

Mr. E. Burdon : (a) No.

(b) Government are not aware that orders have been issued such as those described.

(c) Does not arise.

PROCEDURE RELATING TO APPLICATIONS FOR APPOINTMENTS IN OTHER OFFICES SUBMITTED BY CLERKS EMPLOYED IN THE ADJUTANT GENERAL'S BRANCH OF ARMY HEADQUARTERS.

301. ***Mr. B. Das :** (a) Are Government aware that in the Adjutant-General's Branch of Army Headquarters there is an office order that applications for appointments in other offices should be submitted through the proper channel ?

(b) Are the Government also aware that applications of temporary men of this Branch submitted in pursuance of this order are often withheld by the Personal Assistant without reference to the head of the Branch ?

(c) If the replies to (a) and (b) above be in the affirmative will the Government please give the reasons for this action of the Personal Assistant ?

Mr. E. Burdon : (a) There is a general order to that effect.

(b) The usual channel is through the Officer Supervisor who has discretionary power of disposal under direction from the head of the Branch. I am not aware of the existence of any general practice such as the question suggests.

(c) Does not arise.

PRACTICE OF BRINGING DOGS TO OFFICE IN THE ARMY HEADQUARTERS.

302. ***Mr. B. Das :** (a) Are Government aware that officers and subordinate European clerks of the Army Headquarters cause great annoyance by bringing their dogs to office and that these dogs frequently bite clerks sometimes causing rabies to the persons bitten ?

(b) Are Government also aware that a clerk was so bitten in the Adjutant-General's Branch in 1925 ? Is it a fact that a complaint was made to the Personal Assistant against the practice of bringing dogs to the office and that the latter refused to take any action in the matter ?

(c) If the reply be in the affirmative, do Government propose to stop this practice ?

Mr. E. Burdon : (a) Government are not aware of any general annoyance and no cases of rabies has occurred so far as they know.

(b) Government understand that a clerk was bitten in 1925. They have no record of a complaint being made as the question suggests.

(c) No.

STOPPAGE OF THE DELHI MOVING ALLOWANCE OF TEMPORARY MEN IN ARMY HEADQUARTERS.

303. ***Mr. B. Das :** (a) Are the Government aware that last year the Delhi moving allowance which had been granted to temporary men of Army Headquarters in previous years had been disallowed to them on the ground that it was admissible only to those temporary men shown as officiating, that temporary hands are moved down in the interests of the public service and that the understanding was that they would get the Delhi moving allowance ?

(b) If so, will the Government be pleased to give reasons for the stoppage of this allowance ?

(c) Are Government aware that no house rent allowance is granted to the establishment of Army Headquarters and that the disallowance of the Delhi moving allowance to temporary men causes distinct hardship in their case ?

(d) Are Government aware that a portion of Army Headquarters is moving down to Delhi as usual this year and that some temporary men will also accompany the establishment moving ?

(e) If so, do the Government propose to leave such temporary men behind in Simla in order to make them eligible for the winter allowance ?

Mr. E. Burdon : (a) and (b). The allowance was placed under objection following certain principles governing the grant of temporary rates of pay. The matter is receiving further examination.

(c) Government are aware that no house rent allowance is granted.

(d) The precise composition of the clerical staff for Delhi has not been finally decided.

(e) The selection of clerks for Delhi cannot be determined by such considerations.

DELHI CONVEYANCE ALLOWANCE.

304. ***Mr. B. Das :** Are Government aware that *full* Delhi conveyance allowance in the Secretariat offices is given to a man for the period the office stays at Delhi ? Are Government also aware that in Army Headquarters offices this conveyance allowance is always given for the actual stay of a man at Delhi after making deduction for the period less than 5 months ? If so, will the Government please give the reasons for this differentiation ?

Mr. E. Burdon : There is no differentiation.

PRIVATE NOTICE QUESTION.

INVITATION TO CHAMBERS OF COMMERCE TO EXPRESS THEIR VIEWS ON THE REPORT OF THE TAXATION ENQUIRY COMMITTEE.

Sir Walter Willson : Sir, I desire to ask a question of which I have given the Honourable Member private notice.

In view of the fact that the Assembly refused to discuss the Taxation Enquiry Resolution and shut out certain Members who were desirous of expressing views on the Taxation Committee's Report on behalf of their

constituents, will Government be pleased to invite recognised bodies, such as Chambers of Commerce, to address their views to Government.

The Honourable Sir Basil Blackett : The Government will be glad to have the considered views of the Chambers of Commerce or other recognised Associations on any points arising out of the Report in which they are interested. They do not propose formally to invite their opinion on the Report as a whole.

UNSTARRED QUESTIONS AND ANSWERS.

PROCEEDINGS OF THE ALL-INDIA PRESS EMPLOYEES' CONFERENCE HELD ON THE 26TH AND 27TH JUNE LAST.

82. Mr. K. C. Neogy : I. Has the attention of Government been drawn to the proceedings of the All-India Press Employees' Conference held at the Calcutta Town Hall on the 26th and 27th June last, particularly :

- (a) Resolution No. III, urging the abolition of the piece system ;
- (b) Resolution No. IV, urging the Government of India to abandon the practice of giving work to outside presses ;
- (c) Resolution No. VI, recommending to the Government to sanction superannuation pension to the press employees on their attainment of 50 years of age and invalid pension after 45 years of age ;
- (d) Resolution No. VIII, requesting the Government of India to give full effect to the scheme drawn up by Mr. (now Sir) A. C. Chatterji, the late Member in charge of Industries and Labour, fixing the scales of salaries of the readers, revisers and copyholders in the Government of India Presses ?

II. If the answer to the above be in the affirmative, what steps do Government intend to take with regard to these resolutions ?

The Honourable Sir Bhupendra Nath Mitra : I. Yes.

II. None. The first and third resolutions cited by the Honourable Member relate to questions fully considered by Government : the second one demands what is, in existing conditions, an impossibility, and I am unable to understand the last one.

SALARIES OF CERTAIN CLASSES OF EMPLOYEES IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

83. Mr. K. C. Neogy : 1. Will Government be pleased to state :

- (a) the different scales of salaries of type-suppliers, mono-casters, duffries, proof pressmen, forme-carriers and coolies ?
- (b) whether they get any annual increment or biennial increment ?

2. It is a fact that they received no increment since July 15th, 1920, when an increment of about 40 per cent. on their salary was given ?

3. What were their average respective earnings before the 15th July, 1920, including overtime and war allowance, and at the present time ?

4. Are Government aware that the men doing the same work as specified in 1 (a) in the Government of Bengal Press receive annual increments ?

5. If the answer to Part 1 (b) is in the negative, do Government intend to formulate a scheme fixing the scales of increment annually or biennially ?

The Honourable Sir Bhupendra Nath Mitra : 1. (a) The Honourable Member presumably desires information in regard to the Government of India Press, Calcutta, which is given below :

Type Suppliers	Rs. 24 to 35.
Mono-Casters	Rs. 30.
Duftries	Rs. 20-1/4-27.
Proof Pressmen	Rs. 18.
Forme-Carriers	Rs. 18 and 19.
Coolies	Rs. 18 and 19.

(b) All are on fixed rates of pay except duftries who get an increment of Re. 1 after every four years.

2. No. An increase of pay for some of the grades mentioned was sanctioned in 1925. Promotion is given to other men as vacancies occur in the higher grades.

3. The figures of actual average earnings prior to 15th July 1920 cannot easily be obtained. An estimate of those earnings (including overtime and war allowances) based on the assumption that the hours of work were 8 daily is as follows :

Type Suppliers	Rs. 14 to 24 p. m.
Mono-Casters	Rs. 27.
Duftries	Rs. 14.
Proof Pressmen	Rs. 14 to 19.
Forme-Carriers	Rs. 14.
Coolies	Rs. 12 to 14.

The salaries at present earned are given in answer to part 1 (a). It has not been possible to collect information regarding the average amount paid in addition to this on account of overtime.

4 and 5. The answer is in the negative.

EARNINGS OF CERTAIN CLASSES OF EMPLOYEES IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

84. **Mr. K. C. Neogy :** Will Government be pleased to state :

(a) the average respective earnings, including overtime and war allowances, of section-holders, assistant section-holders, lino and mono operators, storekeepers, standing forme-keepers, correcting checkers before July 15th, 1920, and at the present time ?

(b) the respective salaries of the head accountant, the cashier, the head clerk, estimator, receiver, despatcher, head computer, clerks and computers before July 15th, 1920, and at the present time ?

(c) whether it is fact that the rates of increment granted to the ministerial officers were very much higher than those granted to the industrial hands ? If so, why so ?

- (d) the number of normal working hours in the week of industrial officers before July 15th, 1920, and at the present time ?
- (e) the number of normal working hours of the industrial hands, section-holders, assistant section-holders, readers, copy-holders, etc., before July 15th, 1920, and at the present time ?
- (f) whether there is a difference between the number of working hours of the ministerial and industrial hands and a difference in the rate of increment granted respectively to both ? If so, why so ?

The Honourable Sir Bhupendra Nath Mitra : (a) The figures of actual average earnings prior to 15th July 1920 cannot easily be obtained. An estimate of those earnings (including overtime allowances) based on the assumption that the hours of work were 8 daily is as follows :

Section-holders	..	..	Rs. 70 to 94
Assistant Section-holders	..	..	.. „ 43 to 56
Lino-Operators	..	..	.. „ 58
Mono-Operators	..	..	.. „ 79
Storekeeper	..	..	.. „ 70
Standing Forme-Keeper	..	..	.. „ 64
Correction Checkers	..	..	.. „ 55 to 70

The salaries at present paid to these men are as follows :

			Rs.
Section-holders	..	..	100—5—150
Assistant Section-holders	..	..	40—4—80
Lino Operators	..	..	100—5—125
Mono Operators	..	..	80—4—100
Storekeeper	..	..	60—3—75
Standing Forme Keeper	..	..	60—3—75
Correction Checkers	..	..	60—3—75

It has not been possible to collect information regarding the average amount paid in addition to this on account of overtime.

(b) The following table gives the information required :

			Before 15th July. 1920. Rs.	At present. Rs.
Head Accountant	..	..	200—10—250	200—10—250
Cashier	..	..	175—10—225	200—10—250
Head Clerk	..	..	100—4—120	Personal pay Rs. 50 No such post now exists.
Estimator	..	..	75 to 80	80 to 200
Receivers	}	..	20 to 60	40 to 140
Despatchers	}	..	60—5—85	150—10—200
Head Computer	..	..	20 to 80	40 to 140
Clerks and Computers	..	..

(c) The answer is in the negative. The increases given to the ministerial staff were not uniform and some ministerial employees received no increase.

(d) If by “Industrial officers” the Honourable Member means officers in charge of presses, the answer is that they normally work somewhat longer hours than the industrial hands.

(e) Accurate figures are not available. Immediately before July 1920 the working hours were nominally fixed at 36 weekly, but overtime was so extensive that the average hours were sometimes in excess of 60 per week. The weekly working hours are now nominally 48 but overtime is necessary at times.

(f) The answer to the first part is in the affirmative. The reason is that the duties of the two classes of employees mentioned by the Honourable Member are of an entirely different character.

NORMAL NUMBER OF WORKING HOURS IN THE GOVERNMENT OF INDIA PRESSES.

85. **Mr. K. C. Neogy :** (a) Will Government be pleased to state the normal number of working hours in the Government of India Presses ?

(b) Are the Government aware of the difference in working hours as between those working in the Government of India Presses and the Government of Bengal and other provincial presses ?

(c) If so, what is the reason for this difference ?

The Honourable Sir Bhupendra Nath Mitra : (a) 8½ hours on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and 5½ hours on Saturdays.

(b) and (c). I am not aware of the hours worked in provincial Government Presses ; but if they differ from the hours in the Government of India Presses, the reason is doubtless to be found in the fact that they are fixed by different authorities.

EMPLOYMENT OF EX-STRIKERS ON THE NORTH WESTERN RAILWAY.

86. **Mr. N. M. Joshi :** (a) Are Government aware that since the North Western Railway strike of 1925, in spite of the promise held out by the Agent of the North-Western Railway that the strikers will be provided for, no sooner vacancies occur, the strikers in spite of repeatedly applying for jobs have been refused the same on the plea that their services are not required ?

(b) Is it a fact that since the strike several vacancies have occurred and were filled up either by new men or have been filled by promotion ?

EMPLOYMENT OF EX-STRIKERS ON THE NORTH WESTERN RAILWAY.

87. **Mr. N. M. Joshi :** Are Government aware that a good number of senior drivers who went on strike are still out of work and that their posts have been filled in by promoting shunters as drivers ? If so, do Government propose to ask the Agent of the North Western Railway to fulfil his promise regarding appointment of strikers in preference to outsiders and by stopping unearned promotions to juniors and issue clear instructions to Divisional Officers to carry out this policy strictly ?

The Honourable Sir Charles Innes : I propose to reply to questions Nos. 86 and 87 together. The Honourable Member is referred to the reply given to questions Nos. 206 and 207 asked by Khan Bahadur W. M. Hussanally on the 24th August 1926.

RESTORATION OF FREE PASSES TO EX-STRIKERS RE-ENGAGED BY THE NORTH WESTERN RAILWAY.

88. **Mr. N. M. Joshi :** (a) Are Government aware that they have promised that the Agent of the North Western Railway will sympathetically consider the question of restoration of free passes to those who had gone on strike ?

(b) Are Government also aware that the Agent has so far sanctioned one set of passes to strikers of over 10 years' service ?

(c) Do Government propose to request the Agent of the North Western Railway to be more sympathetic in restoring the entire privileges of free passes to all the strikers ?

The Honourable Sir Charles Innes : The Honourable Member is referred to the reply given to question No. 208 asked by Khan Bahadur W. M. Hussanally on the 24th August 1926.

REDUCTION OF THE WORKING HOURS OF THE CARRIAGE AND WAGON STAFF EMPLOYED AT LYALLPUR ON THE NORTH WESTERN RAILWAY.

89 **Mr. N. M. Joshi :** Are Government aware that the Carriage and Wagon staff at Lyallpur and some other stations on the North Western Railway is still performing 12 hours' duty ? Is this against the conventions of the Geneva Conference accepted by the Government of India ?

The Honourable Sir Charles Innes : I would refer the Honourable Member to the reply to question No. 209 asked by Khan Bahadur W. M. Hussanally on the 24th instant.

RE-TRANSFER TO LAHORE OF CERTAIN EX-STRIKERS RE-EMPLOYED BY THE NORTH WESTERN RAILWAY AND TRANSFERRED TO KARACHI.

90. **Mr. N. M. Joshi :** Are Government aware that a certain number of strikers from Lahore were transferred to Karachi and have not yet been transferred back to Lahore ? If so, do Government propose to urge upon the Agent of the North Western Railway to arrange for their transfer to Lahore as early as possible ?

The Honourable Sir Charles Innes : The Honourable Member is referred to the reply given to question No. 210 asked by Khan Bahadur W. M. Hussanally on the 24th August 1926.

CONTRACTS FOR BUILDING WAGONS AND PAINTING CARRIAGES AND WAGONS ON THE NORTH WESTERN RAILWAY.

91. **Mr. N. M. Joshi :** (a) Are Government aware that in the Moghulpura shops on the North Western Railway contracts for building wagons and painting carriages and wagons have been given to contractors ?

(b) Do Government propose to take steps to examine the work so far done by the contractors ?

Mr. A. A. I. Parsons : The Honourable Member is referred to the reply given in the Legislative Assembly on the 27th August 1926 to question No. 212 by Khan Bahadur W. M. Hussanally.

MEMORIAL OF THE EUROPEAN GUARDS OF RAWALPINDI TO THE AGENT OF THE NORTH WESTERN RAILWAY.

92. Mr. N. M. Joshi : (a) Are Government aware that the European guards at Rawalpindi station submitted a memorial to the Agent of the North Western Railway which has not been attended to as yet ?

(b) Do Government propose to ask the Agent of the North Western Railway to go into the grievances of the memorialists ?

(c) Is it a fact that Mr. Barlow, guard, Rawalpindi, was transferred from Rawalpindi because he was considered to be the ringleader of the Rawalpindi guards in this case ?

Mr. A. A. L. Parsons : (a) , (b) and (c). The Honourable Member is referred to the reply to question No. 212 asked by Khan Bahadur W. M. Hussanally on the 24th instant.

CASE OF ONE JAI CHAND.

93. Mr. N. M. Joshi : Is it a fact that one Jai Chand, I.O.W., has been served with one month's notice, his gratuity forfeited and a blank certificate without entry of ability and character granted to him ? If so, what are the charges against the man ? Was he served with any charge sheet and an explanation taken ? If not, do Government propose to instruct the authorities to serve him with the charge sheet, if there are any charges against him and record his statement before dispensing with his services as provided by the Government rules on this subject ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply to question No. 213 asked by Khan Bahadur W. M. Hussanally on the 24th instant.

RE-EMPLOYMENT BY THE RAILWAY AUTHORITIES AT RAWALPINDI OF ONE SARDARA, AN EX-STRIKER.

94. Mr. N. M. Joshi : (a) Are Government aware that the railway authorities at Rawalpindi have employed one Sardara in the Rawalpindi Loco. Shed ? Was Sardara convicted in a theft case ?

(b) Will Government be pleased to state whether such a conviction is a bar to employment in the public service ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to question No. 214 asked by Khan Bahadur W. M. Hussanally on the 24th August 1926.

INADEQUATE REPRESENTATION OF MUSLIMS IN CLERICAL POSTS IN THE MILITARY OFFICES OF THE PESHAWAR DISTRICT.

95. Khan Bahadur Haji Wajihuddin : Will the Government be pleased to state what action has so far been taken by the Officer Commanding, Peshawar in respect of the letter dated 2nd March 1925, sent by General Sir Claud W. Jacob, regarding inadequate Muslim representation in clerical posts in the military offices of the Peshawar District ?

Mr. E. Burdon : I am making enquiries into the matter and will let the Honourable Member know the result in due course.

RECRUITMENT OF LOCAL MEN IN THE IRRIGATION DEPARTMENT OF THE NORTH-WEST FRONTIER PROVINCE.

96. **Khan Bahadur Haji Wajihuddin** : Is it a fact that in the Irrigation Department of the North-West Frontier Province in the ranks of signaller to zilladar and intervening ranks there are only 36 officers belonging to that province and that 86 are Punjabis, and, if so, do Government propose to consider the advisability of appointing suitable provincial candidates of different communities according to the population of the province ?

The Honourable Sir Bhupendra Nath Mitra : There are 57 local men and 83 Punjabis in the ranks of signaller to zilladar in the Irrigation Department of the North-West Frontier Province. Efforts are made to recruit local men on the occurrence of vacancies.

INCREASE OF MUSLIMS IN THE NORTH-WEST FRONTIER PROVINCE POSTAL SERVICE.

97. **Khan Bahadur Haji Wajihuddin** : Is it a fact that in the North-West Frontier Province postal service, Muslims are in a minority ? Has the Postmaster General issued instructions to increase the percentage of Muslims in the said service ? If so, do the Government propose to take any steps to increase the percentage of Muslims in the said service ?

Sir Ganen Roy : The answers to the first and second parts are in the affirmative. Progress has been made in the desired direction, 66 per cent. of the vacancies which have occurred in the clerical cadre during the last three years have been filled by Muslims. Government are satisfied that as a result of the Postmaster-General's instructions the percentage of Muslims is increasing.

DISCONTINUANCE OF THE GRANT OF LANDS IN THE PUNJAB TO MILITARY PENSIONERS RESIDING IN THE NORTH-WEST FRONTIER PROVINCE.

98 **Khan Bahadur Haji Wajihuddin** : Is it a fact that the grant of Government land situated in the Punjab to deserving retired military officers residing in the Frontier Province has now been discontinued ? What action has been taken by the Government on the memorial submitted in December 1925, or if no action has yet been taken, what steps do the Government propose to take in order to remove the discontent prevailing among these officers of that Province ?

Mr. E. Burdon : The answer to the first part of the question is in the affirmative.

With regard to the second part of the question, the question of including military pensioners of the North-West Frontier Province, in future schemes for the grant of land elsewhere, is under consideration.

REPRESENTATION OF MUSLIMS IN GOVERNMENT SERVICE IN THE NORTH-WEST FRONTIER PROVINCE.

99. **Khan Bahadur Haji Wajihuddin** : Is it a fact that in December 1925 the Muslim deputation from Kohat and Peshawar was

assured by the Honourable the Chief Commissioner of the North-West Frontier Province that an adequate proportion would be fixed for Muslims in the North-West Frontier Province Government service, and if so what action has so far been taken in the matter ?

Sir Denys Bray : Enquiry is being made from the local Administration and a reply will be furnished to the Honourable Member in due course.

USE OF A MOSQUE IN PESHAWAR CANTONMENT AS A DUMPING GROUND FOR MANURE.

100. **Khan Bahadur Haji Wajihuddin :** Is it a fact that in Peshawar Cantonment the mosque known as " Old Kutchery Musjid " in the compound of the District Headquarters' Office is being used for the dumping of manure, and that a hut has been built in the compound for the residence of the chaukidar ? If so, do Government propose to inquire into the matter and arrange to hand over the mosque to the local Muslim Association or any other religious organisation ?

Mr. E. Burdon : I am making enquiries and will let the Honourable Member know the result as soon as possible.

EXTENSION OF THE REFORMS TO THE NORTH-WEST FRONTIER PROVINCE.

101. **Khan Bahadur Haji Wajihuddin :** Will the Government be pleased to state what action has been taken on the Resolution passed in the last Delhi Session of this House in favour of Reforms in the North-West Frontier Province ? If no action has been taken, why not ?

Sir Denys Bray : The Honourable Member is referred to the reply given by me on the 18th August 1926 to Mr. Abdul Haye's unstarred question No. 19.

DUTIES OF THE ASSISTANT PRIVATE SECRETARY TO HIS EXCELLENCY THE VICEROY.

102. **Dr. K. G. Lohokare :** Will Government be pleased to specify the duties attached to the post of Assistant Private Secretary to the Viceroy ?

The Honourable Sir Alexander Muddiman : The Assistant Private Secretary to His Excellency the Viceroy assists the Private Secretary in general secretarial duties.

PAY OF POSTMEN IN BOMBAY.

103. **Sardar V. N. Mutalik :** (a) Will Government be pleased to state whether it is a fact that in the year 1900, the postmen in Bombay started on Rs. 10 and could rise in the usual course to Rs. 60 (as local sorters), and that the scales of salaries for postal clerks then were from Rs. 15 to Rs. 80 ?

(b) Have the starting salary and the maximum salary of a postal clerk been raised to Rs. 60 and Rs. 150, respectively ? If so, why have not the scales of postmen been revised in the same proportion.

(c) What were the principal considerations taken into account by Government while fixing and revising the salaries of the employees concerned ?

(d) Have they undergone any material alterations now as compared with 1900 ?

The Honourable Sir Bhupendra Nath Mitra : (a) In the year 1900 the postmen in Bombay started on Rs. 10 and could rise in the usual course to Rs. 20 ; the local sorters were on Rs. 30 and promotion to this grade was by selection. The pay of postal clerks at the time ranged from Rs. 20 to Rs. 90.

(b) The reply to the first part of the question is in the affirmative. The rates of pay for postmen are not fixed with reference to those for clerks.

(c) Salaries of Government employees are regulated generally by the criterion that so much and so much only should be paid as is necessary to enable Government to obtain recruits suitable in respect of character, education, physical fitness and other necessary qualifications, and maintain them in such comfort and dignity as will protect them from temptation and keep them efficient throughout their service.

(d) No.

REVISION OF THE PAY OF POSTAL CLERKS IN BOMBAY.

104. **Sardar V. N. Mutalik :** (a) What were the reasons which led Government to revise the salaries of postal clerks twice ? Were these revisions beyond the recommendations of the Postal Committee of 1919 ?

(b) Do Government propose to apply the same reasons to postmen, and revise their salaries similarly ?

(c) If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : (a) It is understood that the Honourable Member refers to postal clerks in Bombay City. The time-scale of pay of these clerks was originally fixed in accordance with the recommendations of the Postal Committee of 1920. This scale has since been revised twice by the Government of India once with effect from the 1st March, 1925, and again from the 1st March, 1926.

These revisions have been sanctioned because the pre-existing scales did not make sufficient allowance for the high cost of living in Bombay.

(b) and (c). A proposal to increase the house-rent allowance of postmen in Bombay City will be sanctioned shortly.

HOUSE RENT ALLOWANCES OF POSTMEN IN BOMBAY.

105. **Sardar V. N. Mutalik :** (a) Have orders been issued as yet in regard to house rent allowances to postmen for which an amount was sanctioned in March last ? If not, why not ?

(b) What portion of the amount has been allotted to the Bombay Circle and who are to be benefited thereby ?

The Honourable Sir Bhupendra Nath Mitra : (a) The matter is still under the consideration of the Government of India.

(b) Schemes relating to the increase of house-rent allowance and provision of accommodation for postmen and postal menials in Bombay City and its neighbourhood have recently been approved : these will involve expenditure of approximately Rs. 20,000 during the current year.

TOTAL INDEBTEDNESS OF POSTMEN IN BOMBAY TO THE POSTAL CO-OPERATIVE SOCIETY.

106. **Sardar V. N. Mutalik** : Will Government be pleased to state the number of postmen in Bombay who are members of the Postal Co-operative Society and the extent of their total indebtedness to the Society at the end of July last ?

Sir Ganen Roy : Number of postmen, 909. Extent of their total indebtedness, Rs. 46,331.

QUALITY OF CASTOR OIL USED FOR LUBRICATING PURPOSES ON THE NORTH WESTERN RAILWAY.

107. **Mr. K. C. Neogy** : (a) Will the Government be pleased to state what variety or varieties of castor oil are used for lubricating purposes on the North Western Railway ?

(b) Is No. 1, pale castor oil, as supplied to Liverpool as per *Indian Trade Journal*, medicated castor oil or not ? Is this oil used for lubricating purposes on the North Western Railway, or, is an inferior quality used ?

PURCHASE OF LUBRICATING OILS BY THE NORTH WESTERN RAILWAY.

108. **Mr. K. C. Neogy** : Will the Honourable Member in charge inform the House if lubricating oils required by the North Western Railway are as a rule purchased after inviting tenders therefor ? If so, is any discretion allowed to the Controller of Stores to depart from this rule ? If so, when and under what circumstances ?

PURCHASE FROM MESSRS. DEWAN CHAND AND SONS OF CASTOR OIL FOR THE NORTH WESTERN RAILWAY.

109. **Mr. K. C. Neogy** : (a) Will the Honourable Member in charge inform the House if Messrs. Dewan Chand & Sons is one of the principal firms of contractors by whom castor oil used for lubricating purposes is supplied to the North Western Railway ?

(b) Is Dewan Chand the owner of a castor oil mill ? If not, is he a contractor ?

PURCHASE FROM MESSRS. DEWAN CHAND AND SONS OF CASTOR OIL FOR THE NORTH WESTERN RAILWAY.

110. **Mr. K. C. Neogy** : 1. Did the Controller of Stores of the North Western Railway purchase in April 1926 about 4,000 cwts. of castor oil according to railway specification at Rs. 22-9-0 per cwt. when the *Trade Journal* rate was Rs. 21-2-0 per md. equalling Rs. 29-1-0 per cwt. for pale No. 1 castor oil ?

2. Did the Controller of Stores of the North Western Railway also purchase in July 1926 from Dewan Chand & Sons about 3,000 cwts. of castor oil according to the same specification at Rs. 21-7-0 per cwt. when the *Trade Journal* rate was Rs. 20-10-0 per md. equalling Rs. 28-5-0 per cwt. for Pale No. 1 ? Is it a fact that the quality required was far below it ?

LOSS CAUSED TO THE NORTH WESTERN RAILWAY BY PURCHASING CASTOR OIL FROM MESSRS. DEWAN CHAND AND SONS.

111. **Mr. K. C. Neogy :** (a) Is it a fact that the Indian market rate per cwt. of castor oil as per railway specification was, in the month of April 1925 about Rs. 32 per cwt. ? If so, is it a fact that in April 1925 the Controller of Stores, North Western Railway recommended to the Agent the purchase from Messrs. Dewan Chand & Sons of 52½ tons of castor oil as per railway specification, at the rate of Rs. 40-11-0 per cwt. including cartage charge at Re. 1 per cwt. ?

(b) Is it a fact that when recommending the sale, the Controller of Stores pointed out to the Agent, as per his letter No. 147|8, dated 24th April 1925, the reason why he did so was because the *Trade Journal* rate of that month for No. 1 pale castor oil was Rs. 39-12-6 per cwt. ? If so, why was this reference and comparison made ? And if this were done, did, or did not this Railway lose in this transaction at the rate of Rs. 7-8-0 per cwt. involving a total loss of about Rs. 8,000 ?

(c) Is it a fact that when the contract was entered into with Dewan Chand at Rs. 40-11-0 per cwt. the Great Indian Peninsula Railway purchased the same quality castor oil at Rs. 32 per cwt. ? If so, can Government offer any explanation for the loss entailed ?

(d) Was this transaction brought to the notice of the Agent, North Western Railway ? If so, was any enquiry made or action taken by him in the matter ? If so, what ?

The Honourable Sir Charles Innes : I propose to answer questions Nos. 107-111 together. I am not quite clear what the point of the Honourable Member's very detailed questions is. But if I understand them correctly, he wishes to know whether an order for 52½ tons of castor oil was not placed with Messrs. Dewan Chand and Sons in April 1925 at an unnecessarily high price. I note by the way that in these questions the Honourable Member makes a definite reference to a letter written by the Controller of Stores to the Agent, North Western Railway, on April 24th, 1925, and I should like to mention for the Honourable Member's own information that the office copy of that letter has been abstracted from the file in the Controller's office. The facts relating to this order are as follows :

In February 1925 the Controller of Stores called for tenders for supplies of castor oil according to the North Western Railway specification, a copy of which may be inspected, if the Honourable Member so desires in the Railway Board's office. The tender of Messrs. Dewan Chand and Sons was accepted, and I presume that in the ordinary course it was accepted after testing of the samples submitted by the Chemical Examiner to the Government of the Punjab and because it was the lowest suitable tender. In April 1925 the Controller required 52½ tons more of castor oil. The market quotations in the *Indian Trade Journal* indicated that

the market price had not fallen, and consequently, after obtaining the Agent's permission, the Controller of Stores instead of calling for fresh tenders, placed the order for the additional quantity required at the same price with the existing contractors. There is nothing unusual in this procedure.

CONTRACTS ENTERED INTO BY MESSRS. DEWAN CHAND AND SONS FOR THE SUPPLY OF COTTON WASTE TO THE NORTH WESTERN RAILWAY.

112. Mr. K. C. Neogy : 1. (a) Will the Government state if the North Western Railway in the middle of 1923 accepted tenders made by Mr. Dewan Chand for 13,000 cwt. of ordinary cotton waste and 2,300 cwt. of superior waste respectively in the name of "Dewan Chand & Sons" and "Ishardas Mulkhraj" (sons of Dewan Chand)?

(b) Were agreements in pursuance of the acceptance of the tenders duly executed and the security deposited? Were both the contracts duly performed? If not, was the security forfeited? If so, in which case?

(c) If the contracts or either of them were not duly performed, did the defaulting firm immediately inform the railway authorities as to its inability to perform the contract? If not, how long after receipt of the order did it inform the Railway of its inability? What was the amount of the loss sustained by the Railway in purchasing the cotton waste elsewhere at a higher rate, on account of this breach of contract?

2. (a) Subsequent to the date of the agreements mentioned in part 1, were the firms of Dewan Chand & Sons and Ishardas Mulkhraj again invited to tender for supplies of cotton waste? If so, why?

(b) Does the name of Mr. Dewan Chand or those of his firms (including Ishardas Mulkhraj) still appear in the list of approved contractors from whom tenders are invited? If not, when was his name removed and why?

The Honourable Sir Charles Innes : 1. (a) No tenders from Messrs. Dewan Chand and Sons were accepted in the middle of 1923. The question apparently refers to the fact that in October 1923, the North Western Railway invited tenders for the supply of 13,000 cwt. cotton waste, ordinary and 2,300 cwt. cotton waste, superior, for delivery during the financial year 1924-25. The Selection Committee recommended acceptance of the lowest suitable tenders, namely, that of Messrs. Dewan Chand and Sons for waste ordinary, and that of Messrs. Ishardas Mulkhraj for waste superior. As far as the Government are aware these are two separate firms.

(b) An agreement was duly executed and security deposited by Messrs. Dewan Chand and Sons only but not by Messrs. Ishardas Mulkhraj.

Messrs. Dewan Chand and Sons duly performed their contract.

As Messrs. Ishardas Mulkhraj did not sign their agreement there was no contract with them, and they made no security deposit.

(c) In January 1924, namely, two months after intimation that their quotation had been accepted and two months prior to the date on which deliveries were to commence, Messrs. Ishardas Mulkhraj informed the North Western Railway of their inability to undertake the contract due to a

rise in cost of the material they were to supply. As a result the earnest money deposited by the firm when tendering was forfeited.

As Messrs. Ishardas Mulkraj entered into no contract there was no breach of contract and the question of loss by the Railway does not therefore arise.

2. (a) Messrs. Dewan Chand and Sons duly performed their contract as stated in the reply to 1(b) above. Their name has therefore not been removed from the list of approved contractors.

The name of Messrs. Ishardas Mulkraj was removed from the list of approved contractors for 12 months from 31st March 1925 as they failed to sign a contract after submitting their tender as explained in 1(c) above.

(b) The information given in (a) answers the question.

APPOINTMENT OF MEMBERS OF THE PUNJAB CIVIL SERVICE TO SUPERIOR POSTS ON THE INDIAN CIVIL SERVICE CADRE.

113. **Mr. Abdul Haye :** (a) With reference to the statement laid on the table in answer to question No. 1371 asked by Mr. Neogy in March last, will the Government please state if the figures that 6 executive and 5 judicial superior listed appointments in the Punjab were held by members of the Punjab Civil Service on 1st January 1926, still hold good ?

(b) Is it a fact that at present in the Punjab there were only 5 executive and 4 judicial listed appointments held by the members of the Punjab Civil Service ?

(c) If the answer to (b) be in the affirmative what action do the Government propose to take so that the Punjab Civil Service men in the Punjab may have their due share ?

The Honourable Sir Alexander Muddiman : (a) The number of appointments "listed" in the Punjab to which members of the Punjab Civil Service may be appointed is at present 6 on the executive side and 5 on the judicial. In addition there are 2 listed posts on the judicial side filled by members of the Bar.

(b) If by "held" the Honourable Member means "held substantially" his figures are correct ; but several Punjab Civil Service officers are officiating in superior Indian Civil Service posts.

(c) The matter is primarily one for the Government of the Punjab ; but the Government of India are in correspondence with all Local Governments on the subject of throwing open to members of the Provincial Services a steadily increasing proportion of superior posts on the Indian Civil Service cadre.

SUPPLY OF INFERIOR LINSEED OIL TO THE EAST INDIAN RAILWAY BY MESSRS. DEWAN CHAND AND SONS.

114. **Lieut.-Colonel H. A. J. Gidney :** (a) Is it a fact that Messrs. Dewan Chand & Sons had a contract from the East Indian Railway to supply linseed oil in 1923 ?

(b) Was a sample taken out of their supply found to be inferior ?

(c) Were they compelled afterwards to replace the supply by better stuff ?

(d) If so, were they also detected in supplying short weights ?

(e) Is it a fact that their bill was cut down for this short supply ?

**SUPPLY OF INFERIOR IMITATION LEATHER CLOTH TO THE EAST INDIAN RAILWAY
BY MESSRS. DEWAN CHAND AND SONS.**

115. **Lieut.-Colonel H. A. J. Gidney** : Is it a fact that Dewan Chand & Sons in March 1924 supplied the East Indian Railway with about 3 yards of good leather cloth wrapped round 12 yards approximately of oil cloth so as to make up a roll of 15 yards ? If so, was their supply rejected when this was detected ? Was any tender subsequently called from them for the supply of the same material ? If not, why not ?

**SUPPLY OF INFERIOR PAULINS AND BEES WAX TO THE EAST INDIAN RAILWAY
BY MESSRS. DEWAN CHAND AND SONS.**

116. **Lieut.-Colonel H. A. J. Gidney** : 1. Did Dewan Chand & Sons in March 1924 enter into a contract with the East Indian Railway Company for the supply of 1,051 paulins ? Were they called upon to furnish the necessary security according to contract ? If so, with what result ? Were the 300 paulins supplied by them found to be far inferior to the sample and rejected ? Were they afterwards accepted as a special case owing to urgency at Rs. 2 per yard instead of Rs. 2-9-0 at their request and the contract for the balance cancelled ? Was their name removed from the list of contractors for this conduct ?

2. Did the same Dewan Chand & Sons move the Agent of the East Indian Railway for the restoration of their name to the list of approved contractors ?

3 (a). Did the Agent restore Dewan Chand's name on the list of approved contractors, *vide* his letter No. 44903 of 4th December 1925, addressed to the Controller of Stores, East Indian Railway, in which the following notes were made ?

“ With reference to the (Agent's) conversation with the Controller of Stores, I am directed to enclose copy of letter No. _____ of date to Dewan Chand & Sons. Although the Agent has agreed to this firm being replaced on the list of the contractors, he considered that special care is called for in scrutinising all supplies made by them to insure that such supplies are strictly in conformity with the samples and tenders.”

(b) What were the special circumstances connected with the firm of contractors entitling them to this special consideration ? Was it due to paucity of reliable contractors ?

(c) After their restoration did Dewan Chand & Sons receive an order for the supply of bees-wax in February 1926 ? Was the supply found inferior to sample and rejected ? Was it afterwards replaced by them according to sample ?

(d) Is Dewan Chand & Sons' name still on the list of approved contractors for the East Indian Railway ? If so, why ?

(e) Do Government propose to make a sifting inquiry into this matter ?

DISMISSAL OF MR. D'CRUZ, LATE OFFICIATING STORES SUPERINTENDENT AT HOWRAH, EAST INDIAN RAILWAY.

117. Lieut.-Colonel H. A. J. Gidney : (a) Who was the railway officer who was mainly responsible for these detections regarding Messrs. Dewan Chand and Sons' supplies, and who brought to the personal notice of the Controller of Stores these actions of Messrs. Dewan Chand & Sons ? Was it Mr. M. D'Cruz, the late officiating Stores Superintendent, Howrah, who has since been dismissed from the service ?

(b) Did Mr. D'Cruz remove from his office certain members of his staff whom he suspected of certain dishonest practices which they resented ?

The Honourable Sir Charles Innes : I propose to reply to questions Nos. 114, 115, 116 and 117 together. I understand that what the Honourable Member wishes to know is why this firm of contractors was restored to the approved list after its name had been removed from that list, and whether since its restoration to the approved list the firm has not again been detected in unsatisfactory supplies. The reason why the firm's name was removed from the approved list was that in 1924 the late Controller of Stores, East Indian Railway considered that the firm had made an attempt to palm off against a stores order a quantity of inferior imitation leather cloth. The removal of the firm's name from the approved list was communicated to the Controller of the Indian Stores Department, and the firm appealed to that Department. The Controller of the Indian Stores Department sent the firm's representation down to the Agent of the East Indian Railway and suggested that an enquiry should be made whether the statements in the representation were correct or not. The Agent and the new Controller of the Stores Department made the enquiry. They decided that they could not definitely disprove the assertion of the firm that the imitation leather cloth in question had been sent by mistake to the Howrah General Stores, this assertion having been supported by certain documents. In the absence of the late Controller of Stores, it was not possible for the Agent definitely to decide whether the firm had made an attempt to defraud the Railway, and in the circumstances he decided to restore the firm's name to the approved list with a caution. Since then, the firm has received some minor orders for miscellaneous materials such as string, glass, and bees-wax. Certain of their supplies have been rejected as not up to sample, but in the end the order was satisfactorily complied with. I may mention for the Honourable Member's information that similar rejections are constantly occurring in the case of a large number of competitors of this firm. I understand from question No. 117 that the Honourable Member suggests that Messrs. Dewan Chand and Sons were responsible for the discharge of Mr. D'Cruz, since Mr. D'Cruz had brought an inferior quality of their supply to notice. I can assure the Honourable Member that there is no foundation whatsoever for this belief.

DISMISSAL OF MR. D'CRUZ, LATE OFFICIATING STORES SUPERINTENDENT AT HOWRAH, EAST INDIAN RAILWAY.

118. Lieut.-Colonel H. A. J. Gidney : (a) Will Government state what answers submitted by Mr. D'Cruz in his defence were recorded ? What were the specific "pertinent documents" referred to in the Agent's letter of dismissal, dated 16th October 1924, and who were the officials

referred to in the above letter that were in a position to speak? What inquiry was held into the case and was Mr. D'Cruz given an opportunity to be present at this inquiry to offer his defence and cross-examine the officials referred to above? Was Mr. Danby, Carriage and Wagon Superintendent at that time at Lilloeah, questioned about the matter of the alleged serious losses, and what was his written statement in this matter? Was the Controller of Stores questioned only after Mr. D'Cruz's dismissal and not before and what was his statement in the matter? On what charge or charges was Mr. D'Cruz dismissed from the service?

(b) Did Mr. D'Cruz appeal to the Agent to be afforded a proper inquiry in accordance with Rule XIV? Did the Agent refuse this? If so, is it not a fact that Mr. D'Cruz was condemned unheard and without being given an inquiry or an opportunity to defend himself and deprived of his Provident Fund bonus and the whole of his gratuity amounting to Rs. 18,000, deprived of his character, refused a character certificate thus closing all the avenues of employment to him?

(c) Will the Government be pleased to place on the table the evidence of Mr. D'Cruz whose case has been represented to the Railway Board as also that of the Controller of Stores?

(d) Is it a fact that Mr. D'Cruz appealed to the Railway Board in December in which all these facts were presented and did the Railway Board reply that it was not prepared to interfere with the action taken by the Agent of the East Indian Railway in this case?

MEANING OF THE WORDS "DEPARTMENTAL INQUIRY".

119. **Lieut.-Colonel H. A. J. Gidney** : (a) Will the Honourable Member in charge please state what constitutes a properly recorded departmental inquiry?

(b) What does a departmental inquiry mean?

(c) Is it the intention of the Government that such inquiries are to be conducted by officers who have already condemned an "accused" to the higher authorities?

(d) Has the accused any right to demand a copy of the records of such an inquiry and the findings arrived at and is it in order to refuse him such a copy?

(e) Is an inquiry which does not conform to the rules laid down in the above order considered to be in accordance with the wishes of the Government?

DISMISSAL OF MR. D'CRUZ, LATE OFFICIATING STORES SUPERINTENDENT AT HOWRAH, EAST INDIAN RAILWAY.

120. **Lieut.-Colonel H. A. J. Gidney** : If Mr. D'Cruz in his appeal to the Railway Board satisfactorily proved that (1) he was acting under orders of the Head of his Department and (2) that official records prove that there was an excess of 902 cwts. of cotton waste and no loss, under what charge was Mr. D'Cruz together with three other Anglo-Indian and two Indian subordinates dismissed from the service?

DISMISSAL OF MR. D'CRUZ, LATE OFFICIATING STORES SUPERINTENDENT AT HOWRAH, EAST INDIAN RAILWAY.

121. **Lieut.-Colonel H. A. J. Gidney** : If Government consider Mr. D'Cruz guilty of any defalcation or theft, are they prepared to take criminal proceedings against Mr. D'Cruz on these charges ?

DISMISSAL OF MR. D'CRUZ, LATE OFFICIATING STORES SUPERINTENDENT AT HOWRAH, EAST INDIAN RAILWAY.

122. **Lieut.-Colonel H. A. J. Gidney** : (a) Are Government aware of the fact that Mr. D'Cruz's case was presented before the Secretary of State, also that a letter was submitted to His Excellency the Viceroy which contained a copy of a letter written by the Controller of Stores in which he makes a statement that the Agent of the East Indian Railway told him to keep his mouth closed over Mr. D'Cruz's case, or words to this effect ? If so, what action was taken in the matter ?

(b) In the circumstances are Government prepared to order an inquiry into Mr. D'Cruz's dismissal or to reinstate him in his appointment or to recommend him being given his bonus and gratuity ?

The Honourable Sir Charles Innes : I propose to answer questions Nos. 118 to 122 together. These questions refer to the dismissal of Mr. D'Cruz. The Honourable Member's attention is drawn to the letter No. 2828-E., dated the 20th October 1925, on the subject, from the Secretary, Railway Board, to his address. In the circumstances stated therein, Government do not propose to take any further action either by obtaining additional information, ordering any further inquiry, or revising in any way the orders already passed.

GRANT OF RELIEF TO POSTAL AND TELEGRAPH EMPLOYEES FOR THEIR SUFFERINGS DURING THE FIRST TWO CALCUTTA RIOTS.

123. **Lieut.-Colonel H. A. J. Gidney** : Will the Government be pleased to state if they received a copy of the resolutions passed at the joint meeting of the Calcutta postal and telegraph employees held on the 3rd June 1926 praying for specific relief for sufferings during the first two Calcutta riots ?

The Honourable Sir Bhupendra Nath Mitra : The answer is in the affirmative.

GRANT OF COMPENSATION TO POSTAL AND TELEGRAPH OFFICIALS FOR PECUNIARY LOSSES DURING THE RECENT COMMUNAL RIOTS IN CALCUTTA.

124. **Lieut.-Colonel H. A. J. Gidney** : (a) Is it a fact that during the communal riots in Calcutta in April and May last postal and telegraph officials attended office under most difficult conditions at great personal risk ?

(b) Is it a fact that during the riots the prices of necessaries rose very considerably ?

(c) Is it a fact that there was great dislocation of transport service during the riots, thereby considerably increasing the cost of conveyances ?

(d) Are Government aware that the Presidency Postmaster of Calcutta issued an appreciative letter to the Postal and Railway Mail Service officials for their heroic devotion to duty under most trying circumstances?

(e) Do Government propose to consider the question of compensating the postal and telegraph employees for the pecuniary loss they suffered on account of rise of prices and cost of conveyance?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) and (c). Government have no information.

(d) Yes.

(e) The Government of India do not think it necessary to do so.

GRANT OF COMPENSATION TO THE WIDOWS OF ROLLA SINGH, A MOTOR VAN DRIVER AND SHAIKH MAHMUDA, A TELEGRAPH PEON, KILLED DURING THE RECENT COMMUNAL RIOTS IN CALCUTTA.

125. Lieut.-Colonel H. A. J. Gidney : Will the Government be pleased to state if they are considering :

(a) the question of compensating the widow of Rolla Singh, the motor van driver who was killed by the rioters while in the execution of duty during the recent Calcutta riots?

(b) the question of providing for the widow of Sheikh Mahmuda, telegraph peon who was killed during the same riots?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) The widow has been granted a gratuity of Rs. 42. This amount was the maximum admissible under the rules.

Full particulars of the crime are not yet available. The question of grant of a further sum of money from the newly formed Compassionate Fund for the Department will be considered, if necessary, when further details are known.

REDUCTIONS OF STAFF ON THE GREAT INDIAN PENINSULA RAILWAY.

126. Lieut.-Colonel H. A. J. Gidney : (a) Will the Government be pleased to state :

whether the economies amounting to about one crore of rupees effected on the Great Indian Peninsula Railway during the year 1923-24 referred to in the Report of the Public Accounts Committee presented to the Assembly on the 15th September 1925, and further economies and reductions effected since that period have resulted :

- (1) in understaffing the cadre of drivers, firemen, guards, brakemen, carriage and wagon staff, and other members of the subordinate services ;
- (2) in the men on duty being overworked and having to remain on duty for longer than eight hours ; and
- (3) in an increase of accidents, major and minor, with resulting punishments, fines and dismissals ?

- (b) Will Government be pleased to state the total amount of savings effected in consequence of the economies and reductions carried out since 1922-23 to 31st December 1925 ?
- (c) Will Government be pleased to state the total number of Loco, Traffic and Carriage men whose services have been dispensed with since 1923-24 to 31st December 1925, in consequence of the economies and reductions referred to in (a) ?
- (d) Will Government be pleased to state the total number of superior subordinates, gazetted and covenanted officers whose services have been dispensed with as a result of the economies and reductions referred to in (a) ?

The Honourable Sir Charles Innes : (a) The reply is in the negative.

(b), (c) and (d). The economies effected on railways, and the reductions made in the numbers of employees, since 1922-23 are given in certain detail in the Explanatory Memoranda on the Budget Estimates and in annual Reports by the Railway Board on Indian Railways ; and Government do not propose to call on railway administrations to supply any further information.

REVERSION OF SUBORDINATES APPOINTED TO OFFICIATING VACANCIES IN THE SUPERIOR CADRES ON THE GREAT INDIAN PENINSULA AND EAST INDIAN RAILWAYS.

127. Lieut.-Colonel H. A. J. Gidney : Will the Government be pleased to state :

- (a) separately for the Great Indian Peninsula and East Indian Railways, the total number of superior subordinates on the State Railways in India, who have been officiating in the superior or gazetted cadre during the last five years, who have been reverted to their original subordinate appointment to make place for new recruits from England ?
- (b) whether these officiating incumbents were considered incompetent to be placed on the permanent scale and whether they performed the duties attached to their respective superior appointments satisfactorily during the long periods they were shown as officiating ?
- (c) whether these officiating appointments were shown as permanent vacancies and whether the recruits from England were intended to fill these posts ?
- (d) whether the reversion of these senior and tried officials to their subordinate appointments is causing much discontent generally among the staff ; if so, what steps Government intend taking to put an end to such reversions ?
- (e) whether any and how many Indians have been appointed to these appointments by the Railway Board, and how many Anglo-Indians, who were officiating in such appointments, have been replaced by Indians ?

The Honourable Sir Charles Innes : (a), (b), (c) and (e). Pending recruitment of officers, vacancies in the gazetted ranks are temporarily

filled by promoting subordinates to officiate. There is thus no question of reverting officiating officers to make room for recruits.

(d) Government are not aware of such discontent.

NEW SCHEME FOR WORKING GOODS TRAINS ON THE GHATS ON THE GREAT INDIAN PENINSULA RAILWAY.

128. **Lieut.-Colonel H. A. J. Gidney** : (a) Will the Government be pleased to state whether they have received the following telegram despatched by the General Secretary, Amalgamated Society of Railway Servants, India and Burma, Ltd., dated the 28th January 1926, addressed to the Honourable Sir Charles Innes and the Railway Board ?

"It was recently represented to me that the new scheme for working the goods trains on the Ghats was unsafe and that the men could not hold themselves responsible. Test trials for long runs of goods train are being held. This entails a run from Bhusawal to Igatpuri, a distance of 191 miles. One driver and two crews are allowed. Duty 18 hours up trip. Next run Bhusawal to Nagpur 244 miles. One driver and one crew allowed. Drivers solely responsible and stand every risk of prosecution. Men respectfully point out that they cannot conscientiously discharge their duties under these trying circumstances. Respectfully pray investigation into the risky working which may endanger life and cause heavy loss in the long run."

If so, what action has been taken on the above ?

(b) Do Government propose to issue instructions to the Agent, Great Indian Peninsula Railway, to arrange to give the drivers, firemen, and guards sufficient time to rest after they have been continually on duty for over eight hours ?

(c) Will Government be pleased to furnish a statement of major and minor accidents on the Great Indian Peninsula Railway during the last two years ending 31st December 1925, and state whether any of these are due to understaffing of the services ?

Mr. A. A. L. Parsons : (a) Yes. It was ascertained from the Agent of the Great Indian Peninsula Railway, to whose notice the matter was brought, that there were many inaccuracies in the statements made in the telegram, and his report made it clear that no action was needed.

(b) No. The Agent, Great Indian Peninsula Railway, is already fully aware of the necessity of rest for the staff.

(c) I would refer the Honourable Member to Appendix D (ii) in Volume II of the Reports by the Railway Board on Indian Railways for 1923-24 and 1924-25, which gives all the information in the possession of Government. The answer to the latter portion of the question is in the negative.

NUMBER OF RAILWAY EMPLOYEES INJURED OR KILLED IN THE EXECUTION OF THEIR DUTY IN EACH OF THE PAST FIVE YEARS.

129. **Lieut.-Colonel H. A. J. Gidney** : (a) Will the Government be pleased to state how many employees in the service of the Indian Railways have been injured or killed in the execution of their duty in each of the past five years ?

(b) What was the total amount paid each year as compensation to such employees ?

(c) Have any of the employees so injured been dismissed on account of such injuries ? If so, what is their number and the amount of compensation paid to them ?

Mr. A. A. L. Parsons : (a) The information which the Honourable Member asks for will be found in Appendix D (i) of, Volume II of the Report by the Railway Board on Indian Railways for the year 1924-25, copies of which will be found in the Library.

(b) and (c). Government have no information.

GRANT OF COMPENSATORY ALLOWANCE TO SENIOR ASSISTANT SURGEONS OF THE I. M. D. HOLDING COMMISSIONED RANK.

130. Lieut.-Colonel H. A. J. Gidney : Will the Government be pleased to state if the I. M. D. is an integral and inseparable part of the British Army in India, and whether the rules and regulations governing its administration are similar to those in force for departmental officers and warrant officers of the India Unattached List ?

(b) Will the Government of India state if the pay and allowances of the I. M. D. are debitable to Army estimates, and are non-votable ?

(c) If the reply is in the affirmative will the Government of India state why the I. M. D. is the only Department which has been denied and excluded from receiving compensatory allowance as outlined in Army Department letter No. A-14671-6 (A.G.-10), dated 4th January 1926, and which was sanctioned with retrospective effect from 1st July 1925. a compensatory allowance to all military officers including officers of the Quartermaster Class and departmental officers of the India Unattached List ?

Mr. E. Burdon : (a) The I.M.D. is an integral part of the Army in India and the regulations governing it are similar to those in force for departmental officers and warrant officers of the India Unattached List, modified to meet certain inherent differences in the conditions of service of the two classes.

(b) Yes.

(c) Senior assistant surgeons of the I.M.D., holding commissioned rank, are not excluded from receiving the compensatory allowance sanctioned in the Army Department letter quoted by the Honourable Member. They are entitled to this allowance and orders making this clear were issued in February 1926 by the Director, Medical Services in India. If the Honourable Member will bring to my notice any case in which the allowance has been denied, I shall be pleased to investigate the matter.

DENIAL TO OFFICERS AND WARRANT OFFICERS OF THE I. M. D. OF DAILY ALLOWANCES FOR OUTSTATION DUTY.

131. Lieut.-Colonel H. A. J. Gidney : Is it a fact that a daily allowance, calculated on rank, etc., is given to all classes of officers and subordinates in the Army when detached for outstation or temporary duty whereby extra expenses are incurred, and that this allowance is usually payable up to a maximum of ten days, or even up to thirty days with the sanction of the G. O. C. of the Command concerned (*vide* Army Instruction 573 of 1924) ? If so, are Government aware that this allowance is denied to officers and warrant officers of the I. M. D. ? If so, why ?

Mr. E. Burdon : The answer to the first part of the question is in the affirmative, except that daily allowance under Army Instruction (India) No. 573 of 1924 is not admissible on certain occasions, *e.g.*, when

an individual is present or doing duty with his unit or with a portion thereof, either on detachment, at manoeuvres or on the line of march, or when he is eligible for and provided with free rations and accommodation at an outstation. As regards the second part, no distinction exists between officers and warrant officers of the I.M.D., and those of other services in this respect except that assistant surgeons with warrant rank are granted field (and not daily) allowance at the rate of Rs. 30 per mensem when accompanying a part of troops exceeding ten in number. The question of the grant of daily allowance to warrant officers of the I.M.D., in lieu of this field allowances is at present under consideration.

DUTY ROOMS FOR ASSISTANT SURGEONS IN BRITISH STATION HOSPITALS.

132. Lieut.-Colonel H. A. J. Gidney : (a) Are Government aware of the fact, that, although representations have been made to the responsible authorities the condition of certain duty rooms allotted for the use of assistant surgeons in British station hospitals leave very much to be desired so far as comfort and furniture are concerned ? (b) Are Government aware of the fact that the duty room attached to the Jullundur British station hospital is devoid of even a carpet or matting, a barrack bed and has no furniture besides a chair or two, without even a washing room ? (c) Do Government propose to issue orders to have comfortable duty rooms attached to each British station hospital ?

Mr. E. Burdon : The answer to the first part of the question is in the negative. As regards the second part, from enquiries made, I am informed that the assistant surgeons' duty room in the British station hospital, Jullundur, is adequately furnished.

The answer to the third part of the question is in the negative. British station hospitals are now furnished on a scale which should admit of the rooms being made comfortable.

SELECTION OF ASSISTANT SURGEONS FOR SUB-CHARGE OF BRITISH STATION HOSPITALS.

133. Lieut.-Colonel H. A. J. Gidney : Are Government aware that in the holding of sub-charge of various hospitals by I. M. D. men other things being equal—junior men are at times given these appointments in preference to senior men fully qualified to hold them ? If so, why ?

Mr. E. Burdon : Assistant Surgeons are selected for sub-charge of British station hospitals by the Deputy Director of Medical Services of the Command from among the assistant surgeons available in the Command. Normally, the allotment of such appointments goes by seniority but other considerations must of necessity be taken into account, and it may happen, therefore, that an assistant surgeon in sub-charge of an important hospital is junior in grade to other assistant surgeons in the same Command.

Government are, however, not aware of any particular instance of this kind.

PAUCITY OF MILITARY ASSISTANT SURGEONS FOR CIVIL EMPLOYMENT.

134. Lieut.-Colonel H. A. J. Gidney : (a) Is it a fact that the recent retrenchment as a result of the recommendations of the Incharge Committee of about 100 men of the I. M. D. has resulted in such a paucity that

the Director, Medical Services in India is to-day unable to supply any military I. M. D. men to the Director General, Indian Medical Service, for civil medical and other employment ?

(b) If this is so, do the Government of India propose favourably to reconsider the re-appointment of some of these retrenched I. M. D. members and so bring the cadre to such a strength as to enable some of its members to be released for civil employment ?

Mr. E. Burdon : (a) No, Sir. Though there is a small shortage in the establishment of the Assistant Surgeons' Branch of the Indian Medical Department, this is not entirely due to the 1924 retrenchment and it has not in any way interfered with the transfer of military assistant surgeons to civil employment. Since the completion of the retrenchment in April 1925, the Director General, Indian Medical Service, has requisitioned the services of 15 assistant surgeons and only one—required for a temporary leave vacancy—has been refused, on the ground that he was filling a very important military appointment.

(b) In view of the reply I have just given, this question does not arise. I may mention, however, that the question of re-employing a certain number of retrenched assistant surgeons in the Indian Medical Department is at present under consideration.

DEFICIENCY IN THE NUMBER OF MILITARY MEDICAL PUPILS ENTERING THE I. M. D.

135. Lieut.-Colonel H. A. J. Gidney : Is it a fact that about only nine passed military medical pupils are available this year, from the various Medical Colleges for admission into the I. M. D. and that this very small number will still further reduce the cadre of this Department and seriously prejudice (a) the granting of furlough, privilege, and study leave to the men (b) deprive them, especially those with British qualifications, from being seconded to civil employment and (c) in time create a block in the senior grades as exists to-day ?

Mr. E. Burdon : The answer to the first part of the Honourable Member's question is that only five pupils are expected to qualify for admission into the I.M.D., this year. As regards the second part, any deficiency in the numbers of military medical pupils entering the service must naturally produce a shortage in the total establishment of assistant surgeons, but it is not anticipated that this will have any definitely prejudicial effect either on the grant of leave or transfers to civil employment. It is impossible to forecast the result in years to come of a shortage in any particular year, nor is there any practical advantage in attempting to do so. I am not aware that there is any "block" in the senior grades to-day.

DEARTH OF APPLICANTS FOR ADMISSION INTO THE MEDICAL COLLEGES AS MILITARY MEDICAL PUPILS.

136. Lieut.-Colonel H. A. J. Gidney : (a) Is it a fact that there is a serious dearth of applicants for admission into the various Medical Colleges in India as military medical pupils ?

(b) Are Government aware of the fact that this dearth is due to the current belief in the community and the various European schools that the ultimate intention of the Army Department is to abolish the I. M. D. as a service and replace it by R. A. M. C. (Ranks) ?

(c) If this is not correct, do Government propose to declare its future policy towards the I. M. D. and assure them as also intending candidates, of the stability of the service ?

Mr. E. Burdon : (a) Yes.

(b) No, Sir. The dearth of candidates is believed to be due mainly to the fact that the preliminary standard of education has been raised as a result of the introduction of the five-years course.

(c) The question of the future of the I.M.D. is at present under the consideration of Government. I am unable to make any further statement on the subject.

EMPLOYMENT OF MEMBERS OF THE I. M. D. IN POSSESSION OF BRITISH MEDICAL QUALIFICATIONS IN SUPERIOR APPOINTMENTS.

137. **Lieut.-Colonel H. A. J. Gidney :** (a) Will Government please state how many members of the I. M. D. to-day are in possession of British medical qualifications ?

(b) Will Government please state what they intend doing with those members of the I. M. D. who possess British medical qualifications and who are to-day in military employment holding subordinate positions ? Do Government intend to utilize their services (i) by enlistment of suitable candidates in the I. M. S., taking into favourable consideration when the applicant is slightly over age, his previous war services (ii) employment as District Medical Officers in the various State Railways (iii) in civil medical employment as it obtains to-day, and on an equality with civil assistant surgeons (iv) employment in Provincial Civil Medical Services as recommended by the Lee Commission (v) to use these British medically qualified I. M. D. men as medical officers in British station hospitals ?

Mr. E. Burdon : (a) 43 members of the I.M.D. are in possession of British medical qualifications.

(b) The whole question of the future of the I.M.D. is at present under consideration as a result of the representations put forward by the Anglo-Indian Deputations of 1925. The decisions arrived at will be announced in due course. I cannot give any further information for the present.

HOLDING OF SIMULTANEOUS EXAMINATIONS FOR THE INDIAN MEDICAL SERVICE IN ENGLAND AND INDIA.

138. **Lieut.-Colonel H. A. J. Gidney :** Will Government state whether it is their intention to hold simultaneous examinations for the I. M. S. in England and India ?

Mr. E. Burdon : I invite the attention of the Honourable Member to the reply given on the 20th August to starred question No. 155, and to the discussion which took place on the Resolution which was moved on the subject in this House on the 2nd September 1925.

CLASSIFICATION OF MEMBERS OF THE DOMICILED COMMUNITY FOR THE PURPOSES OF RECRUITMENT TO THE I. M. S. AND THE I. M. D.

139. Lieut.-Colonel H. A. J. Gidney : In view of Earl Winterton's statement made in the House of Commons that, for the purpose of internal security Anglo-Indians are classified as European British subjects, will Government be pleased to state under what status members of the domiciled community are recruited into the I. M. S. and I. M. D. ? If as European British subjects are Government aware of the fact that for the I. M. S. they are to-day refused acceptance in England by the Selection Committee there and have been ordered to return to India for selection by the Government of India Committee and for the I. M. D. are denied certain allowances which are given to other departmental officers and warrant officers, *e.g.*, marriage allowance, educational facilities for their children, etc. ?

Mr. E. Burdon : The answer to the first part of the Honourable Member's question is that for the purposes of recruitment to the services mentioned, the domiciled community are treated as British Indian subjects.

The second part does not arise.

NECESSITY OF A UNIVERSITY DEGREE FOR ENTRANCE INTO THE SUPERIOR SERVICES IN INDIA.

140. Lieut.-Colonel H. A. J. Gidney : (a) Are Government aware that the possession of a degree is not necessary to entitle a candidate to sit for the qualifying examinations to enter either the Home, Colonial or Indian Civil Services, and that a degree is not necessary for admission into most of the Public Services in Great Britain and its Dominions ? If so, will Government please state under what rule or authority a university degree is demanded before any candidate can appear for similar competitive examinations in India ?

(b) Do Government propose to consider the advisability of withdrawing such a qualification for entrance into the superior services in India, or for sitting for the competitive examinations ?

The Honourable Sir Alexander Muddiman : (a) Yes. The qualifications for entrance to the public services in India are prescribed in some cases by the Secretary of State and in others by the Government of India. A university Degree is not in all cases demanded.

(b) No.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : The following Message has been received from the Secretary, Council of State :

" I am directed to inform you that the Council of State have at their meeting held on the 28th August 1926 agreed without any amendment to the following Bills which were passed by the Legislative Assembly on the 23rd August 1926 :

A Bill to amend the Usurious Loans Act, 1918, for certain purposes.

A Bill further to amend the Workmen's Compensation Act, 1923 ; and

A Bill further to amend the Negotiable Instruments Act, 1881, and the Code of Civil Procedure, 1908, for certain purposes."

DEATH OF MR. A. V. V. AIYAR.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadian Urban) : Sir, it is my painful duty to mention a sad event. I wish to make a reference to the news received since we last met of the death of Mr. A. V. V. Aiyar who was a Member of the Assembly for several years. Mr. Aiyar was a very modest and retiring person. He was a distinguished official of the Finance Department who rose from the ranks. He died at a very premature age, being only 48 when he died. He entered Government service as a junior clerk on a pay, I believe, in those days of Rs. 25 a month in the Accountant General's Office, Madras, and from that humble position he rose to a responsible position in the Finance Department by dint of his high merit which was recognized by all people under whom he served. His capabilities were of a very high order. I did not know him, Sir, till I joined the Assembly in 1921 when Sir Malcolm Hailey, the then Finance Member, introduced him to the Standing Finance Committee as the officer who prepared the Budget of the Government of India. His masterly survey of the situation struck me at once, and we were all impressed by the way he performed the task of preparing the Budget of the Government of India. From that date he made himself freely accessible to us whenever difficult questions of finance came up and whenever we sought for information, which with his masterly knowledge he was able to explain to us in great detail. Sir, the loss to the Government is great, the loss to India is great by the premature death of this distinguished Indian. Sir, the last Currency and Exchange Commission was suddenly deprived by illness of the services of this distinguished officer last year. Sir, it was with very great regret and sorrow that we heard of the death of this man. Sir, I move that we extend our sympathy to the widow of the deceased and the other members of his family. Sir, he was comparatively a poor man but he rendered distinguished services to the country and to the Government. Sir, I ask the House to associate itself with this expression of sorrow at his death.

The Honourable Sir Basil Blackett (Finance Member) : Sir, it is my melancholy privilege on behalf of the Government of India to associate myself and the Government with this last sad tribute of respect to the memory of departed merit. Mr. Venkataraman Aiyar was one of the first officers of the Finance Department with whom I came in contact on my arrival in India. He was the chief budget officer that year, and naturally I was thrown into very close touch with him in the preparation of my first Budget. With all that the Honourable Member who has moved this motion has said I desire to associate myself and the Government most fully. Sir, Mr. Venkataraman Aiyar was a young man. He died on the eve of his 48th birthday, but he had done 28 years' service for Government, at first in a subordinate capacity from which he had risen through sheer merit to one of the highest posts which are available to officers of the Finance Department. He was associated with the preparation of no less than 12 Budgets in various capacities, the last three or four of them as chief budget officer, and it was in that capacity that he was a Member of this House for four successive budget Sessions. After that, it was with great pleasure that I found myself able to appoint him to act as Deputy Controller of the Currency in Bombay and then to act, while the Controller of the Currency was away, as the Controller of the Currency in Calcutta. In that duty—it was a

very difficult duty to thrust upon a man of so modest a temperament as Mr. A. V. V. Aiyar—he won the respect and affection of all the business people in Calcutta (Hear, hear), and he proved that no job to which he might be appointed was too difficult for him. His modesty and retiring character made it difficult for those who were not brought into close touch with him to recognize what a really great man Mr. Aiyar was. His loss is one which we in the Finance Department feel most extremely just when we were looking forward to recovering his services after the sittings of the Royal Commission in order that we might benefit by his advice and wisdom in all the work that has to be done in carrying through the Report of the Royal Commission on Currency and Finance. I should like, Sir, if I may, to read a telegram which was sent from the Finance Department to Mr. Aiyar's brother on the day of his death when we heard the news of his sad death :

“ Finance Member and Finance Department generally have learnt with deepest regret of the death of Mr. A. V. V. Aiyar. They greatly deplore the loss sustained not only by the Department but also by India in the death of a brilliant officer who has rendered invaluable services to the country. Please convey to the bereaved family the very sincere sympathy of Sir Basil Blackett, Mr. Jukes and all officers and ranks of the Department ”.

Sir, I desire to associate myself in particular and the Government of India in general with this tribute of respect.

Sir Walter Willson (Associated Chambers of Commerce : Nominated Non-Official) : Sir, the non-official European community in this House desire to associate themselves with the remarks which have fallen from Diwan Bahadur Rangachariar and Sir Basil Blackett. Sir, I well remember, after my own election to this House the first appearance—what I then thought was the first appearance—of Mr. Venkataraman Aiyar in this House, when he rose to defend certain attacks which had been made upon the Budget. The smile never left his face, the good humour was always there. In all committee work, to which Diwan Bahadur Rangachariar referred, he was of exceptional assistance to non-officials who were seeking for information—a quality they very highly valued in him. To those here looking forward to seeing Indians coming to the front in finance, he was one of the hopes of the side, and but for the regrettable illness which cut short his brilliant career, we should have seen him play a very fine and distinguished part on behalf of the country. Sir, I associate myself with all that has fallen from the Honourable Members.

Dr. L. K. Hyder (Agra Division : Muhammadan Rural) : Sir, I associate myself with the tribute of respect to the memory of this very capable officer of the Finance Department. Sir, those who came into contact with the late Mr. Aiyar know that he was a man of great ability and of great possibilities for the future. Sir, on behalf of this section of the House I associate myself heartily with this tribute of respect.

Mr. President : I desire to associate myself with all that has fallen from various Honourable Members regarding the heavy loss the country in general and this House in particular have suffered in the death of Mr. A. V. V. Aiyar who was such a brilliant officer, and it will be my duty to convey to the widow and the other members of the family of the deceased the deep sense of grief which this House feels.

STATEMENTS LAID ON THE TABLE.

RECORDS MAINTAINED BY THE POSTAL DEPARTMENT OF MONEY ORDERS DURING TRANSIT.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I beg to lay on the table the information in supersession of the reply given on the 8th March, 1926, to question No. 1117 asked by Mr. Abdul Haye, regarding the records maintained by the Postal Department of Money Orders during transit.

(a) Money orders in transit are sent in closed envelopes, the total number of money orders contained in each envelope being noted on it. The closed envelopes are then despatched inside Registered bags. It is not easy for postal employees to intercept money order forms without risk of detection.

(b) Does not arise.

TENDERS FOR STORES.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, I beg to lay on the table a statement furnished by the High Commissioner for India showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half year ending 30th June 1926.

High Commissioner for India,
India Store Department.

Abstract of cases in which Tenders, other than the lowest complying with the technical description of the goods demanded, were accepted on the grounds of superior quality, superior trustworthiness of the firm tendering, greater facility of inspection, quicker delivery, etc.

HALF-YEAR ENDING 30TH JUNE, 1926.

[Sir Bhupendra Nath Mitra.]

HIGH COMMISSIONER
INDIA STOREAbstract of cases in which Tenders, other than the lowest complying with
of superior quality, superior trustworthiness of the firm tendering, greater faci-

HALF-YEAR ENDING

PART A.—Cases in which lower foreign tenders, including British tenders for foreign

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Wheels & Axles ..	E.5946/9880/3-2-26	The Skoda Works (1,230 pairs).	20,910 0 0
		(Czecho-Slovak)	
		Taylor Bros. & Co. Ltd. (1,000 pairs).	18,500 0 0
			39,410 0 0
Chloroformum, B.P.	E.6111/8477/12-2-26	United Alkali Co., Ltd.	949 3 4
Tubes, Brass & Copper.	E.6283/8065/23-2-26	Elliott's Metal Co., Ltd.	90 11 4
Wheels & Axles ..	E.6426/10239/4-3-26	Fried Krupp (587 pairs)	11,593 5 0 (German).
	E.6427/10239/4-3-26	J. Baker & Co. (Rother- ham) 1920, Ltd. (200 pairs).	4,400 0 0 (British).
			15,993 5 0

**FOR INDIA,
DEPARTMENT.**

the technical description of the goods demanded, were accepted on the grounds of inspection, quicker delivery, etc.

30TH JUNE, 1926.

made goods, have been set aside wholly or partially in favour of British tenders.

Lowest Tender not accepted.	Reason for acceptance.
<p>£ s. d.</p> <p>37,910 0 0 (Czecho-Slovak).</p>	<p>A demand was received on the 14th January 1926 for 2,230 pairs of wheels and axles for wagons which were being built in India. It was stated that deliveries of the wagons would commence in March, 1926.</p> <p>Tenders were received on the 29th January. The lowest offer was at £17 per pair from the Skoda Works, but the best delivery they could undertake (200 pairs in 8 weeks and 200 pairs per week thereafter) would not meet the wishes of the Indenting Officer. The next lowest tender was less satisfactory in regard to delivery.</p> <p>The third lowest, from Messrs. Taylor Bros. & Co., offered to supply 200 pairs in four weeks, 300 more in five weeks and a further quantity of 500 pairs in 7 weeks from receipt of order, at £18-10-0 per pair.</p> <p>1,000 pairs were ordered from Messrs. Taylor Bros. in order to ensure a steady supply of wheels approximately in time to meet the indent requirements and 1,230 were ordered from the Skoda Works.</p>
<p>920 18 8 (German).</p>	<p>If the lower tender had been accepted, the cost of inspection in Germany would have exceeded the difference in price between the two quotations.</p>
<p>79 0 3 (Continental).</p>	<p>Two lower tenders were received; one at £79-0-3 for tubes made at Liege and Cologne and the other at £79-18-0 for tubes made at Havre. The extra cost of inspection at any of these places would, however, have exceeded the difference between the foreign and English prices. The British firm's works are at Birmingham where there is a resident inspector.</p>
<p>15,543 0 0 (German).</p>	<p>787 pairs of wheels and axles were required urgently for wagons being built and due for delivery in India between 1st April and 30th June 1926. The four lowest tenderers, quoting £19-15-0, £19-18-0, £20-3-0, and £20-5-0 per pair, respectively, could not commence shipment before the middle of May. The fifth tender, that of Messrs. Baker & Co., at £22 per pair, offered 100 pairs a week beginning in four weeks. 200 pairs were accordingly ordered from this firm for shipment by the middle of April and the remaining 587 pairs were ordered from the lowest tenderer Messrs. Krupp.</p>

[Sir Bhupendra Nath Mitra.]

PART A.—

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Bearing Plates ..	E.6653/10705/24-3-26	Bolkow Vaughan & Co., Ltd.	2,380 9 7 (Delivery 4-6 weeks).
Copper Tubes ..	F.105/10665/12-4-26	Yorkshire Copper Works Ltd.	1,540 0 0
	F.106/10665/12-4-26	John Wilkes Sons & Mapplebeck, Ltd.	1,540 0 0
			3,080 0 0 (British).
Bogie Carriage Underframes.	F.146/9213/15-4-26	Cammell Laird & Co., Ltd.	6,466 18 0 (British).
Ditto ..	F.176/9284/17-4-26	Metropolitan Carriage Wagon & Finance Co., Ltd.	54,826 7 3 (British).
Carriages ..	F.333/10128/28-4-26	Midland Railway Car- riage & Wagon Co., Ltd.	9,490 10 0
Insulators ..	F.822/307/9-6-26 ..	Bullers Limited ..	375 0 0
Zinc Sheets ..	F.1006/1054/22-6-26	London Zinc Mills Ltd...	24 18 9

contd.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d.	
1,940 12 4 (Delivery 10-12 weeks). (Belgian).	These bearing plates form part of an indent for rails and accessories to the value of £13,881 for relaying 16 miles of track. The delivery offered for the rails and other fittings was from five to eight weeks. The long delivery offered by the lowest tenderer for bearing plates was due to their having to procure new rolls and this tender was therefore passed over in order to avoid seriously delaying the whole work.
2,712 0 0 (German).	The tubes were indented for by telegram. The two lowest suitable tenders offered deliveries which, if adhered to, would have landed the tubes in India in about 12 to 14 weeks.
2,756 5 0 (German).	The next lowest tenderers offered immediate delivery in England which, allowing for inspection and shipment, would mean arrival in India in 5 to 6 weeks.
	A telegram was sent to the indenting officer enquiring how long he could wait for the tubes and stating that higher prices were required for quick delivery. The indenting officer replied that his present stock was sufficient for six weeks only. It was thus clear that immediate delivery was essential and the orders were placed as shown.
5,749 0 0 (German).	The lowest tenderer had already two large orders under which deliveries were seriously overdue. The High Commissioner therefore decided not to give this firm a further order until it had made substantial progress with the work in hand. The order was placed with the next lowest tenderer.
53,827 14 4 (German).	Ditto ditto.
9,256 1 0 (German).	The accepted tender was considered to be the most advantageous taking into account the much higher cost of inspection had the lower tender been accepted, and the superior reliability of the firm with whom the order was placed.
310 0 0 (French).	The stores were stated in the indent to be required in India as early as possible. The lowest tenderer quoted a very long and indefinite delivery (approx. 20 to 30 weeks), whereas Messrs. Buller Ltd. offered 4 to 13 weeks. The order was accordingly placed with the latter firm on account of better delivery and having regard to the extra cost of inspection abroad.
20 14 9 (Belgium).	The accepted tender was the most advantageous taking into account the extra cost of inspection that would have been entailed if the order had been placed with the lowest tenderer.

[Sir Bhupendra Nath Mitra.]

PART A.

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Lymph Tubes ..	F.1072/1542/28-6-26	Anglo French Mfg. Co., Ltd.	82 10 0 (German).
	F.1073/1542/28-6-26.	Foley's	30 12 6
			113 2 6

contd.

Lowest Tender not accepted.	Reason for acceptance.
<p data-bbox="150 377 269 400">£ s. d.</p> <p data-bbox="139 546 269 592">110 0 0 (German).</p>	<p data-bbox="305 415 942 639">The demand was for 200,000 lymph tubes and the indent asked that the tubes be shipped so as to arrive in Burma not later than the 31st August 1926, as, if delay occurred, the supply of vaccine lymph might be endangered. The lowest tenderer for suitable tubes offered delivery in this country in 4/6 weeks which would not meet requirements. It was decided, therefore, to order 150,000 tubes only from this firm and the remaining 50,000 tubes from the next lowest tenderer, who offered delivery of 20,000 from stock and the balance in 4 weeks. The extra cost was only £3-2-6.</p>

[Sir Bhupendra Nath Mitra.]

PART B.—Cases in which the discrimination

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Waistcoats, Cardigan No. 33,330.	E. 5588/8680/14-1-26	Bent & Watson, Ltd. ..	11,181 8 4
Cells, Inert ..	E. 5990/9140/5-2-26	General Electric Co., Ltd.	108 18 6
Binoculars ..	E. 6206/9624/18-2-26	Ross Ltd. 	511 0 0
Springs, I. R. ..	E. 6261/10179/23-2-26	G. Spencer Moulton & Co., Ltd.	8,181 16 3
Paint	E. 6280/8814/23-2-26	Lewis Berger & Sons, Ltd.	105 10 9
Pins, Shackle ..	E. 6323/8860/26-2-26.	Rubery Owen & Company.	27 17 2
Steel Roller Rocker Bearings.	E. 6457/9663/8-3-26.	The Patent Shaft & Axletree Co., Ltd.	978 0 0
Carbon paper ..	E. 6501/9922/11-3-26	Ellams Duplicator Co., Ltd.	45 0 0

is between British firms only.

Lowest Tender not accepted.	Reason for acceptance.	
£ s. d.		
10,933 16 3	<p>The waistcoats were stated in the indent to be required urgently after 1st April 1926, and the urgency was specially mentioned in the covering letter.</p> <p>The lowest tender for waistcoats of satisfactory quality offered only 2,000 by the 1st April 1926, and completion in 32 weeks thereafter, and could not therefore be accepted.</p> <p>The next lowest tender, which was accepted, promised 12,000 to 15,000 on 1st April and completion in 10 weeks.</p>	
94 11 11	On the basis of output the General Electric Company's cells were the best value for money.	
327 10 0	<p>The Indenting Officer demanded Ross's binoculars.</p> <p>Competitive tenders were invited for Ross type and a tender was received for glasses of the same constructional type and quality as Ross's at £327-10-0. Messrs. Ross quoted £511.</p> <p>The quotations were telegraphed to the indenting officer who confirmed his preference for Messrs. Ross's make on the grounds that they are found better able to stand Indian climatic conditions.</p>	
7,994 14 0	<p>The indenter, in telegraphing for the springs, stated that they were required immediately.</p> <p>The lowest tenderer required 15 weeks for delivery, whereas the next (Messrs. Spencer Moulton) promised to deliver in 10 weeks, commencing in 10 days.</p> <p>The indent, moreover, asked for springs similar to those supplied under a previous contract which was carried out by Messrs. Spencer Moulton; and that firm has had greater experience in the manufacture of these articles.</p>	
102	Messrs. Berger's works are in London, whereas the lowest tenderer's works are on the Tyne, where the extra cost of inspection would be more than the difference between the two tenders.	
25 0 6	The firm who tendered lowest had given trouble with a previous order, which, although placed several months before, had not been completed. Their tender was therefore passed over on the ground of unreliability, and the order placed with the next lowest.	
924 0 0	The bearings were required in India by the end of April 1926. The lowest tender offered delivery in 8 to 14 weeks and was therefore unsuitable. The order was placed with the next lowest firm who undertook to deliver in 5 to 6 weeks, the quickest delivery offered by any of the tenderers.	
42 15 0	Messrs. Ellam's paper was, after examination of the samples submitted by the tenderers, considered to be the best value for the money.	

[Sir Bhupendra Nath Mitra.]

PART B.—

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Canvas, Flax ..	F. 10/10340/1-4-26 ..	Baxter Bros. & Co., Ltd.	13,636 0 2
	F. 153/10340/15-4-26.	Richards Limited ..	13,289 11 7
			26,925 11 9
Cord, Cotton khaki	F. 309/11015/27-4-26.	A. Stockwell & Co. ..	7,226 2 8 (for 72,450 yds.)
	F. 310/11015/27-4-26.	E. Spinner & Co. ..	6,252 10 0 (for 61,000 yds.)
			13,478 12 8
Drawers, Cotton ..	F. 370/149/30-4-26 ..	Geo. Braund Limited (Dely. 5/17 weeks).	3,792 10 0
	F. 371/149/30-4-26 ..	Nottingham Manufactur- ing Co., Ltd. (Dely. (4/13 weeks) ..	1,907 16 3
			5,700 6 3
Mosquito Netting.	F. 395/11028/3-5-26..	Miller Bros. Limited (Dely. May to July) for 300,300 yards.	10,803 0 0
	F. 315/11028/27-4-26	Vogtlandische Tullfabrik A. G. (1-5 months) for 50,000 yards.	2,070 6 3
	F. 316/11028/27-4-26.	Black Bros. Limited (2- 12 weeks) for 300,300 yards.	12,825 6 3
	F. 396/11028/3-5-26..	Hy. Mallet & Sons (3-12 weeks) for 175,700 yards.	7,503 17 1
			33,202 9 7

—*contd.*

Lowest Tender
not
accepted.

Reason for acceptance.

d.

25,877 8 9

The demand specified that the canvas was to be in accordance with a new specification which had been prepared in India. When the tenders were received a reference was made to the Indenting Officer on a technical matter relating to the specification. In reply he requested that half the quantities of certain items should be ordered from Baxter Bros. (the lowest tenderers) and half from Richards Ltd. The latter's was the next lowest quotation. The extra cost involved was £1,048-3-0.

13,310 5 0

The demand was for 133,450 yards of khaki cotton cord, and the indent stated that shipments were to commence in April and to be completed by July 1926.

The lowest tenderer, Messrs. A. Stockwell & Co., offered delivery commencing about June 8th and finishing about 4th January 1927. This delivery was slow. In view of the small difference in price between Messrs. A. Stockwell & Co. and the next lowest tenderer, Messrs. E. Spinner & Co., who offered to commence delivery about May 18th, it was decided to divide the order between these two firms. The extra cost involved was about £168.

5,688 15 0

The cotton drawers were demanded by telegram in advance of the printed indent and were urgently required in India.

The lowest tenderer—Messrs. Geo. Braund Ltd.—required 5 weeks to commence and 17 weeks to complete delivery. This delivery was long. Moreover the firm had recently changed hands.

Therefore, in order not to be entirely dependent on them, and with a view to obtaining earlier completion of delivery, it was considered advisable to order only two-thirds of the total quantity from this firm and to obtain the remaining one-third from the next lowest tenderer, the extra cost being only £12.

29,725 6 9

The demand was for 826,300 yards of mosquito netting and the indent stated that shipments were to be completed by the end of May at the latest. As the indent was only received on the 20th March 1926, the time allowed by the indenting officer for delivery was much too short.

The lowest tenderer offered to deliver 300,000 yards in the period May to July.

It was clearly impossible to give them a larger quantity if completion in a reasonable time was expected. Moreover, the firm (Messrs. Miller Bros.) had not previously held an order direct from this Department. Therefore, the remainder was divided between three other firms who were the next lowest suitable tenderers. By this division delivery within a reasonable time was made possible.

The extra cost involved was about £3,477.

[Sir Bhupendra Nath Mitra.]

PART B.—

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Axes Felling ..	F. 644/249/27-5-26 ..	W. Gilpin Senr. & Co. (Tools) Ltd.	80 1 0
Leather Cloth ..	F. 1004/5985/22-6-26.	Rexine Ltd. 	264 2 7

—*contd.*

Lowest Tender not accepted.	Reason for acceptance.
<p>£ s. d.</p> <p>70 15 4</p> <p>232 4 0</p>	<p>Accepted on account of the superior quality of the goods offered, which represented more than the difference in price.</p> <p>Samples submitted by the firms tendering, with prices, were forwarded to the indenting officer who selected the sample submitted by Rexine Ltd. This firm's tender was accordingly accepted.</p>

[Sir Bhupendra Nath Mitra.]

PART C.—Cases in which the discrimination is

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Carbon Decolorising	E.5438/8665/2-1-26	Haller & Phillips ..	195 0 0 (Dutch)
Dogspikes ..	E.5713/S. 8805/ 21-1-26.	Ste. Ame. des Laminaires et Boulonneries du Ruau, No. 625,000.	2,083 0 2 (Belgian)
	E. 5714/S. 8805/ 21-1-26.	A. de Barsy, No. 1,000,000	3,443 18 2 (Belgian)
			5,526 18 4
Wheels & Axles ..	E. 5716/9364/21-1-26	Deutsche Luxemburgische Bergwerks-und Hutton, A. G. 400 pairs.	7,400 0 0 (German)
	E. 5717/9364/21-1-26	Bochumer Verein, 1,200 pairs.	22,650 0 0 (German)
			30,050 0 0
Wheels & Axles ..	E. 6241/7833/20-2-26	The Skoda Works, 192 pairs.	3,696 0 0 (Czecho-Slovak)
	E. 6242/7833/20-2-26	Fried Krupp, A. G. 220 pairs.	4,345 0 0 (German)
			8,041 0 0
Cylinders for Loco- motives.	F. 910/458/16-6-26 ..	Hohenzollern A. G. fur Lokomotivbau.	2,970 0 0 (German)

between Foreign firms only.

Lowest Tender not accepted.	Reason for acceptance.
<i>£ s. d.</i>	
129 0 0 (Dutch)	The carbon ordered represented the best value for money, being 75 per cent. to 80 per cent. superior in quality to that offered by the lowest tenderer.
5,415 16 (Belgian)	Tenders for 3,250,000 spikes were invited simultaneously in London and in Lahore and particulars were cabled to India. The indenter requested that 1,625,000 should be ordered by the London Store Department for delivery in India between April and June 1926, the order to be divided if desirable in order to secure that delivery. It was consequently necessary to divide as shown, 625,000 spikes being allotted to the lowest tenderer for shipment during April and May, and the balance of 1,000,000 to the next lowest for delivery by the end of April 1926.
29,600 0 0 (German)	The lowest tenderer had executed in an unsatisfactory manner two orders placed with them some time previously by Indian Railway Companies. There was, however, reason for giving them a further trial. Consequently their portion of the order was limited to 400 pairs, the remaining 1,200 being given to the next lowest tenderer.
7,931 0 0 (Czecho-Slovak)	The tenders were for 412 pairs of wheels and axles, 220 pairs of which were required to reach India early in April for wagons being built in India. The lowest tender was from the Skoda Works at £19-5-0 per pair for delivery by the end of May 1926. This tender therefore could not be considered for the urgent 220 pairs, but was accepted for the 192 pairs. The 220 pairs were ordered from the next lowest tenderer at £19-15-0 per pair for delivery at Essen in about six weeks.
2,790 0 0 (German) 2,909 14 0 (French)	The lowest tenderer, as sub-contractors under a recent contract, failed to make a satisfactory supply of cylinder castings. The time quoted for delivery by the second lowest tenderer was unduly long (i.e., 32 weeks) and was unreliable as the firm lacked experience. The Hohenzollern Co., the third lowest tenderer, already had work in progress under inspection by the Consulting Engineers and their extra price has thus been largely offset by the lower cost of inspection. The order was accordingly placed with the Hohenzollern Co., on the grounds of superior reliability and lower cost of inspection.

[Sir Bhupendra Nath Mitra.]

PART D.—*Cases in which lower British tenders have been*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
Locomotive Boilers	F. 971/414/19-6-26 . . F. 1108/414/30-6-26	Nasmyth Wilson & Co. Hannoversche Maschinen- bau A. G.	£ s. d.
			28,542 0 0 8,265 0 0 (German)
			36,807 0 0

set aside wholly or partially in favour of Foreign tenders.

Lowest Tender not accepted.	Reason for acceptance.
<p style="text-align: center;">£ s. d.</p> <p>36.742 0 0 (British)</p>	<p>The demand was for 31 boilers, delivery being required in India by November 1926.</p> <p>The lowest tenderer offered delivery at the rate of 2 boilers per week commencing in 16 weeks. This delivery would not meet the requirements.</p> <p>It was decided, therefore, to order 7 boilers from the next lowest suitable tenderer—The Hannoversche Maschinenbau A. G.—for delivery in 13 weeks, the balance being ordered from the lowest tenderer. The extra cost was only £65.</p>

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE ACCOUNTS OF 1924-25.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I lay on the table the Report of the Public Accounts Committee on the accounts for the year 1924-25.

Report of the Public Accounts Committee on the accounts of 1924-25.

I.—Excess Votes.

1. The following table compares the amount of grants voted by the Assembly with the total expenditure out of those grants.

	Grants sanctioned by the Assembly.		Final grant.	Actual expenditure.
	Original grant.	Supplementary grant.		
	Rs.	Rs.	Rs.	Rs.
Expenditure charged to Revenue.	93,80,80,900	1,91,55,000	95,72,35,000	91,11,10,430
Expenditure charged to Capital.	33,14,53,000	15,000	33,14,68,000	15,98,32,951
Total expenditure ..	1,26,95,33,900	1,91,70,000	1,28,87,03,900	1,07,09,43,381
Disbursements of Loans and Advances.	20,06,15,000	..	20,06,15,000	17,17,04,242
Grand Total ..	1,47,01,48,900	1,91,70,000	1,48,93,18,900	1,24,23,47,623

Excluding loans and advances, the actual total voted expenditure was thus Rs. 19,85,90,519 below the original grants and Rs. 21,77,60,519 below the final grants sanctioned by the Assembly.

2. If the total voted and non-voted expenditure is taken, the position is as follows :—

	Original Grant.	Final Grant.	Actual expenditure.
	Rs.	Rs.	Rs.
Revenue Expenditure ..	2,09,26,94,900	2,13,88,74,984	2,05,00,79,316
Capital Expenditure ..	33,20,95,000	33,22,92,000	16,06,69,003
Loans and Advances ..	20,06,15,000	20,06,15,000	17,17,04,242
Total ..	2,62,54,04,900	2,67,17,81,984	2,38,24,52,561

It will be seen that against the grants aggregating 2,67.18 lakhs, the total expenditure was only 2,88.25 lakhs—a saving of 28.93 lakhs or approximately 10.8 per cent. This saving may be roughly distributed as follows:—

	<i>In crores.</i>	
Railway expenditure charged to revenue	4
Railway expenditure charged to capital	16½
Military expenditure	2½
Loans and advances	3
Other items	2½
Total	29

3. So far as the non-voted expenditure is concerned, the grants aggregated 1,18.25 lakhs and the expenditure 1,13.98 lakhs—a saving of 4.27 lakhs or of only 3.6 per cent. By far the largest portion of this saving occurred in the Military Department, the amount being 2.81 lakhs. This was due partly to decreased expenditure on the purchase of stores and partly to an adjustment in India's favour of some payments to the War Office arising out of claims in connection with war expenditure. The other larger savings were chiefly under Railways (89 lakhs) and Refunds of revenue from Customs and Taxes on Income (51 lakhs). There were also smaller savings under other heads, but these were almost wholly counterbalanced by an excess of 61 lakhs under 'interest on ordinary debt' due partly to larger payments towards the close of the year and to short recoveries from Railways and Provincial Governments.

4. The grants for voted expenditure amounted to 1,48.93 lakhs, while the actual expenditure amounted to 1,24.27 lakhs only. The saving of 24.66 lakhs, which is nearly 16.5 per cent. of the aggregate grants, is made up mainly of the following items:—

	<i>Lakhs.</i>
<i>Revenue expenditure—</i>	
Railways	3,08
Civil Works	21
Miscellaneous	31
<i>Capital expenditure—</i>	
Railways	16,56
Telegraphs	56
Loans and Advances	2,89

The savings in Railway revenue expenditure largely represent economies in working expenses, for example, in the consumption of coal, a decrease in payments of compensation claims, and adjustments in connection with the Privy Council's decision regarding customs duty on stores for companies' lines. To a certain extent, they are the result of the decision to debit the loss on re-valuation of stores to Railway reserves instead of to working expenses. Elsewhere the understanding is due to various causes. The sum of 21 lakhs under 'Civil Works' is spread over a number of items but includes unallotted reserves with the Government of India and local authorities amounting to about 9 lakhs. The sum of 31 lakhs under 'Miscellaneous' is largely accounted for by the non-utilisation of the provision of 25 lakhs made in the budget for payments to persons who suffered from enemy action. The very large savings under Railway capital expenditure accrued to a small extent owing to the adjustments in connection with the Privy Council's decision referred to above but mainly in circumstances similar to those explained in para. 8 of our Report on the accounts of 1923-24. As stated therein, steps have been taken to cut down the capital grant rigorously from 1925-26 onwards. The underspending of 56 lakhs in Telegraph capital outlay is the result of over-estimating on the part of the departmental officers. The excess provision of 2,89 lakhs under 'Loans and Advances' is the result of Provincial Governments having borrowed 3,78 lakhs less than anticipated, counterbalanced by larger loans to Indian States amounting to 1,27 lakhs. It is understood that steps have been taken to impress upon Provincial Governments the desirability of supplying the Government of India with more reliable estimates of the advances required by them, and very large variations are not likely to recur in future except in very special circumstances.

[Sir Basil Blackett.]

5. Excess expenditure has been incurred over the voted grants for which an excess vote of the Assembly is required in the following cases:—

<i>Excess over grants.</i>					
Item No.	No. of Grant.	Grant.	Amount granted by Assembly.	Actual expenditure.	Excess.
1	11	Indian Posts and Telegraphs Department.	8,27,53,000	8,41,81,692	14,28,692
2	21	Survey of India ..	23,48,000	24,61,327	1,13,327
3	26	Archæology ..	12,29,000	12,86,702	57,702
4	29	Education	3,81,000	3,82,546	1,546
5	33	Civil Veterinary Services	6,45,000	6,58,395	13,395
6	37	Census	1,000	3,330	2,330
7	39	Joint Stock Companies	1,32,000	1,33,483	1,483
8	45	Superannuation Allowances and Pensions.	33,00,000	35,63,167	2,63,167
9	49	Refunds	94,83,000	96,64,548	1,81,548
10	51	Baluchistan	26,25,000	27,65,733	1,40,733
11	60-A	Irrigation not charged to Revenue.	15,000	95,898	80,898

In spite of the opinion expressed repeatedly by the Public Accounts Committee, and in particular their statement in para. 14 of the report on the accounts of 1923-24, that with a well-regulated system of control over expenditure there ought not to be any excess at all—an opinion endorsed by the Government of

India in para. 7 of the Finance Department Resolution dated 1st June 1926 where it is stated that “an excess vote is in essence a thing which ought not to occur for it represents a failure on the part of the executive Government to observe the limits set by the Legislature in voting grants for expenditure”—nevertheless the number of excess votes required in respect of the year 1924-25 exceeds the number in 1923-24, though the gross amount of excess expenditure is less.

Item 1.—This head contains provision not only for the working expenses but also for all capital expenditure financed from revenue, and the Stores Suspense Account of the department is accommodated under the latter head. Consequently the value of stores issued to the grant “61—Capital Outlay on Telegraphs” constitutes a credit to Grant 11. The actual issue of stores to capital fell far below the estimate with the result that the credits to Grant 11 were not realised to the extent anticipated. The necessity for a supplementary grant was not foreseen in time to cover the excess which is due to a failure to act up to the capital programme on Telegraphs. There was a corresponding saving under the capital head.

Item 2.—The excess was due to (1) non-realisation of probable savings, (2) an erroneous adjustment of Rs. 42,502 which is being rectified in the accounts for 1925-26, (3) larger expenditure on Survey parties working for Provincial Governments, and (4) inadequate realisations from sales of maps. Information about the first two causes which mainly account for the excess was received too late to obtain a supplementary grant. We hope for better vigilance now that Pay and Accounts offices have been instituted.

Item 3.—The excess resulted from accounts adjustments for the upkeep of monuments and gardens which had to be made after the close of the year when it was not possible to obtain a supplementary grant, in contravention of a previous recommendation of this Committee.

Item 4.—The slight excess was due to non-realisation of anticipated recoveries from the Rajkumar and Aitchison Colleges. As this fact was not brought to notice in time, no supplementary allotment was asked for. A similar excess was incurred in 1922-23 and steps since taken will prevent a recurrence.

Item 5.—The excess which was to some extent covered by an allotment from the Finance Department reserve, was due partly to the adjustment on account of Customs duty on stores and partly to increased contingent charges. The bulk of the expenditure on Customs duty on stores was passed on by the Accountant General, Bengal to the Accountant General, Central Revenues for adjustment in the latter's March 1925 (Supplementary) accounts when there was no time for obtaining additional funds. The action of the responsible officer in replacing missing journals and largely overspending the provision for Contingencies in March 1925 showed a complete disregard for the rules of appropriation and was one of the main causes for the excess. The adjustment on account of stores should have been foreseen by the controlling authorities.

Item 6.—The excess was mainly due to extra expenditure in connection with the preparation of Life Tables of the Indian Census of 1921 which could not be foreseen at the time of framing the budget. This is an excess only in theory as it was covered by an allotment from the Finance Department reserve.

Item 7.—The excess has been explained as due to a large arrear payment for 4 years of leave and pensionary contribution to the Madras Government and to an arrear adjustment made after the close of the year. In this case also the amount was covered by an allotment from the Finance Department reserve.

Item 8.—The excess was due in general to the adjustment of pensionary charges from commercial departments and in particular to the recovery on this account from the Posts and Telegraphs Department not having been finally settled within the year. Less recovery from commercial departments was made and the fact was not brought to notice till it was too late to ask for additional funds.

Item 9.—The excess was due to an omission to ask for a grant to cover refunds of freight tax which is attributable to a defect in budgeting procedure. The item was adjusted in the Railway books and in framing the estimates on the civil side this matter was overlooked. This tax no longer exists. Steps have now been taken to see that in future similar refunds are provided for in the proper estimates.

Item 10.—The excess was mainly due to the writing-off of irrecoverable temporary loans. As the Government of India decided after the close of the year that such adjustment should be effected in the accounts of the year in which the sanction to remission of the recoveries is accorded, necessary adjustments were made in the accounts of 1924-25. The excess therefore remained uncovered, as it was too late to arrange for funds.

Item 11.—The excess was mainly accounted for by the fact that certain adjustments were made under "Miscellaneous Advances" for non-receipt of contributions on account of the construction of the Guide bund at Dera Ismail Khan. This could not be foreseen and the amount was not covered by a supplementary allotment.

6. It will be seen that the causes for the excesses may be summed up under the following general heads :—

- (1) Introduction of new accounting arrangements for the first time in 1924-25, e.g., the system of treating pensions, on account of commercial departments as deductions from the grant for superannuation.
- (2) Excess covered by allocations from the Finance Department reserve but not by supplementary grants obtained from the Assembly, e.g., Grant 39—Joint Stock Companies where Rs. 12,000 was allocated from that reserve for establishment charges payable to the Government of Madras. Similarly under Grant 37—Census the excess was covered by the allocation from the Finance Department reserve asked for before the end of the year. The reason why supplementary votes were not obtained at the time was due to the view that was then held that an allotment from the reserve avoided the necessity for a supplementary grant.
- (3) Difficulties encountered in watching the progress of expenditure owing to large amounts being brought to account after the close of the year, e.g., in the Posts and Telegraphs Department and the Survey of India.
- (4) Failure to observe the rule that belated adjustments should be brought to account in the year in which they were discovered and not ante-dated, e.g., the claim of the United Provinces Government on account of the maintenance of the Archaeological Department gardens was adjusted in the Accounts of 1924-25 instead of in those of the year 1925-26, as the question of the debit was raised only in July 1925.

[Sir Basil Blackett.]

- (5) Over-sanguine estimate by the authorities concerned in spending money on works of their capacity to spend during the year reacting on the revenue account in the case of capital grants, e.g., the excess of Rs. 14,28,692 under Grant 11—Indian Posts and Telegraphs Department (page 2, Posts and Telegraph Appropriation Report) 'is a repercussion of the failure to act up to the capital programme on Telegraphs'. Credits to Grant 11 were not realised because actual issue of stores to capital fell far below the estimated amount.

7. The question of remedying these defects should be taken up by the Government of India with a view to preventing the recurrence of excess grants. Many of the general causes at work in causing excesses are dealt with by us further in later paragraphs of this report. With these remarks we recommend the Assembly to agree to the excess grants which will be asked for in respect of 1924-25.

II.—General.

8. The Committee gave careful consideration to the question whether working

Working expenses of commercial departments and similar charges to be exhibited gross or net.

(Evidence pages 1—3 and Question 13).

expenses of commercial departments and similar charges should be exhibited gross or net in the accounts and estimates. A memorandum on this subject was handed in by the Finance Department to the Public Accounts Committee of 1924 and appears as Appendix X to their report of the 6th September 1924. Owing to lack of time neither the Committee of that year nor the Committee of 1925 were able to take up the subject. We examined the Finance Secretary at length upon the memorandum referred to and upon the general question and had the advantage also of hearing the views of the Auditor General on the cognate question in relation to the Finance and Revenue accounts. The conclusions we have come to are generally in accordance with the views expressed by these authorities.

9. The primary concern of the Public Accounts Committee is with the form in which the Demands for Grants and the corresponding Appropriation Accounts are prepared. It is clear that the guiding principle in regard to the form of the Demands for Grants in this connection is that the Government should not be in

Form of Demands for Grants.

(Question 1).

possession of funds for expenditure on a voted service which have not been voted and appropriated by the representatives of the people for that service. To this principle one qualification is in our opinion admissible, namely, that where money has been voted by a Provincial legislature for expenditure through the agency of the Central Government on a voted provincial service, the sum in question need not be voted over again by the Central Legislature in cases in which at the moment when the money is expended by the Central Government the expenditure can be definitely identified and brought to account as provincial expenditure. This qualification does not cover cases such as expenditure incurred by the Central Government on central purchases of stationery some portion of which is afterwards recovered when the stationery is re-issued from the central store for the use of Provincial Governments and paid for by them only as and when they require stationery. All expenditure, therefore, which is to be incurred by the Central Government on a voted service, with the one exception of expenditure which has already been voted by a Provincial legislature in the circumstances explained above, should be subjected to the vote of the Assembly. There are, however, numerous cases, especially in connection with the departments whose accounts have been or are being commercialised, where it is necessary to show the same expenditure twice over in more than one Demand for Grant presented to the Assembly. In such cases, it is as a rule desirable in order to avoid inflation of the figures that a sum voted under one grant should appear as a reduction from expenditure in the second grant. In these cases the expenditure should be shown in the Demands for Grants both gross and net, but only the net expenditure should be submitted to the vote of the Assembly. A similar course should be followed in the case of grants where the expenditure includes outlay of sums voted by the Provincial legislatures in the circumstances indicated above.

10. The Committee are not directly concerned with the form in which the Accounts which go to make up the Finance and

Form of Accounts.
(Question 15).

Revenue Accounts are presented. It appears to them, however, that the view expressed by the Auditor General is the right one, namely, that with a view to clearness of presentation and

to giving a correct picture of the activities of all the spending departments of the Government of India, the accounts of expenditure should work up to a gross figure of outgoings and that working expenses, charges for interest, etc., should not simply be shown as deductions from receipts. If thought desirable, a separate statement bringing out the net results of the working of a commercial department can always be drawn up.

The question of the form in which the Budget should be presented also arises in the same connection. Here the important desideratum is that the form of presentation should be the one best calculated to give a clear and intelligible picture

of the financial position of the Government. If the whole of the expenditure, including the working expenses of commercial departments and so on, is brought to account as expenditure, and the whole of the receipts including the working receipts of the commercial departments are brought to account as revenue, a true statement of all the activities of the Central Government is presented to the public, but both the revenue and expenditure sides of the account may appear inflated. On the other hand, if only the net receipts and net expenditure are shown, the public may be misled in regard to the proportion of the time and energies of the Central Government and of the revenues of the country which are spent on particular services, and important spheres of Government action may be obscured or forgotten. We do not offer a final opinion on this question, but we are inclined to think that the best solution will be for the figures in the Budget Speech itself and in the various statements issued at the time of the Budget to show both the gross and the net expenditure in appropriate forms. The figures of gross expenditure would include all the outgoings of the commercial departments, including the sums which they pay to the Central Government for the interest on the capital which they employ, and all the receipts of those departments would appear under the head of gross revenue.

11. The figure of approximately 130 crores at which recent budgets have been balanced represents neither the gross nor the net expenditure of the Central Government. The working expenses of the Posts and Telegraphs Department and of the Railways are excluded on both sides, but the interest on the debt incurred in order to provide these departments with capital is shown as expenditure of the Central Government and not as a deduction from the receipts of the commercial departments. In the statement of net expenditure and net revenue which we contemplate the only entry relating to Railways would be, on the revenue side, the contribution, and on the expenditure side the loss on strategic lines. In the case of the Posts and Telegraphs Department only the expenditure on buildings, etc., which is treated as capital expenditure for the purposes of the commercialised accounts, and the net loss if any on working, would appear on the expenditure side, and only the net gain if any on the revenue side. It would be desirable if a similar method of presentation could be adopted for the Opium Department. In the form of the Budget as now presented the interest paid by the Provincial Governments on capital advanced to the Provincial Loans Fund is treated as a deduction from the expenditure of the Central Government on interest on debt. We doubt if this is the most desirable form of presentation. This would be the natural form to adopt if the money advanced from the Provincial Loans Fund were raised in the open market on the security of the assets of the Fund, even if there were also a guarantee of the Central Government. But so long as the money is raised on the direct credit of the Central Government, the interest on the debt incurred is part of the expenditure of the Central Government even though it is set off by interest received from the Fund to which it is lent. We therefore suggest that it would be preferable that the whole of the interest payable by the Central Government on money borrowed for the purpose of lending to the Provincial Loans Fund should appear as expenditure of the Central Government, and the interest received from the Provincial Loans Fund should be treated as non-tax revenue.

12. We have been given to understand that legal difficulties have stood in the way of the suggestions made by the Public Accounts Committee of 1925 in paragraphs 30 to 33 of their report on the subject of the use of the reserve placed at the disposal of the Finance Department, and on the question of creating a Civil Contingencies Fund on the English model. Somewhat similar obstacles have also arisen in regard to the suggestion made by the same Committee in para. 20 of their Report for the adoption of the system of a token vote. We concur generally in the principles underlying

Finance Department Reserve.
Question 344).

Token Vote.

[Sir Basil Blackett.]

the recommendations of our predecessors. We understand that the main objection taken by the Legislative Department to their proposals is that it is *ultra vires* of the statutory rules under the Government of India Act, or at any rate contrary to the spirit of that Act, that the Assembly should be asked to vote the same sum twice. It seems to be held that if the Assembly has once voted money for a reserve in the hands of the Finance Department and the Finance Department has allocated a portion of that reserve to cover an excess over the amount available to meet voted expenditure under another grant, it is objectionable that a supplementary grant to cover the latter excess should be presented to the Assembly. Similarly, objection is taken to the device of a token vote on the ground that this involves the re-allocation by vote of the Assembly of money already voted under a particular grant. We are given to understand that a careful study of the existing demands for grants, particularly in connection with the commercialised departments, would reveal numerous cases in which money is already in effect voted twice over by the Assembly, and we are inclined to think that if the ordinary rules of appropriation and the needs of correct accounting are to be observed, a strict application of the theory that it is unconstitutional to vote money twice will be found to be impracticable. We do not see that it is open to any strong objection of principle. It is true that money voted for the purpose of the Reserve in the hands of the Finance Department will, if our view is adopted, never, or scarcely ever, be finally charged to the head under which it is voted. This anomaly would disappear if, instead of a sum being voted annually as a reserve, a Civil Contingencies Fund were created, as proposed by our predecessors, from which advances would be made as required and recouped in due course, out of moneys voted under the appropriate Demand Grant, so that the Fund would never bear any final charge. This is the course which we would recommend as the ideal one, but so long as the present system of voting a reserve annually is maintained, we think that the allocation of money from the reserve for expenditure under another voted head should not be allowed to infringe the doctrine that expenditure in excess of a voted grant can be regularised by vote of the Assembly and by that means alone. We would therefore suggest that if on re-examination the Legislative Department remain of the opinion that the voting of money twice over by the Assembly is *ultra vires* of the existing statutory rules, steps should be taken to alter those rules.

13. We have devoted careful consideration to the evidences of a tendency to

Over-estimating.
(Question 351).

over-estimate expenditure in the preparation of Demands for Grants which are afforded by numerous instances brought to notice in the Appropriation Accounts now under review. It appears to us that this tendency to over-estimate is particularly noticeable (a) in the provision made for establishments and (b) in the sums entered under heads relating to expenditure on works whether chargeable to capital or to revenue. It seems to have been the regular practice for the provision under such heads as pay of establishments to be calculated on the basis of existing cadres with little reference, if any, to the probability of savings due to casualties, leave, seconding to other duties, and so on. The result is that at the end of the year comparatively large underspendings are brought to light for which allowance might well have been made in the original estimates. The existence of such margins facilitates re-appropriations to purposes not contemplated at the time when the budget was framed, for which no specific authorisation has been obtained from the Assembly, and even if, as we are assured is the case and as the comparatively large realised surpluses on recent budgets tend to prove, the Finance Department has been increasingly strict in recent years in preventing such re-appropriations, we are nevertheless of opinion that steps should be taken to ensure that the provision under such heads as pay of establishment should be based not only on existing cadres, but also on the experience of previous years, and a suitable lump sum deduction made for probable underspendings under these particular heads. The Finance Department have already introduced with advantageous results in the

Lump Sum Cuts.

past two years the system of making lump sum cuts in the demands for grants as a whole to allow for probable underspendings, and we expect that the effect will be to reduce the extent of underspending disclosed in the estimates of 1925-26 and 1926-27. We are inclined to the opinion, however, that this system should be applied more boldly than has yet been the case, and that further improvement could be obtained if careful statistics were kept of the proportion between actual expenditure and estimate based on the existing cadres under establishment heads.

14. The system of lump sum cuts has also proved of utility in relation to estimates of expenditure on public works, etc. There seems to be an incurable and on the whole laudable habit, among officers charged with the duty of spending money on carrying out public works, of being over-sanguine as to their capacity to spend during a given period. One witness informed us that 13 years' experience in the case of the New Delhi building project showed that the average underspending year by year as compared with the estimates of the Engineers was 25 per cent. Once it has been decided to proceed with the erection of a building or the carrying out of a work, it is usually uneconomical to allow progress to be delayed by the allotment of insufficient funds, and it is undesirable that the amount which the department desires to spend on a given work during the year should be understated in the estimates presented to the Assembly. On the other hand, experience proves conclusively that though the whole amount provided for this or that work in the programme of the department may actually be required during the year, there is invariably failure to work up to the programme as a whole. In the grant for railway capital expenditure where of course budget figures are not affected but only the ways and means forecasts, the arrangement with the Assembly by which a sum of 30 crores together with any underspendings in previous years was to be provided year by year for 5 years led in the years 1923-24 and 1924-25 to the inclusion in the estimates of a figure vastly greater than was actually expended or was ever likely to be expended. The fact that this arrangement broke-down in practice has been frankly recognised in the budgets for 1925-26 and 1926-27 and a new system adopted under which the engineers and Agents of the Railways concerned have been asked to make a careful estimate of the sums they expect to spend upon the sanctioned works, and after scrutiny by the Railway Board these sums or such lesser amounts as may eventually be decided upon are placed at the disposal of the spending authorities during the year, but the Financial Commissioner for Railways makes his own estimate for budget purposes of the total amount likely to be spent, and it is this figure which is entered in the Demands for Grants. The difference between this figure and the aggregate total of the amounts placed at the disposal of the spending authorities is shown as a deduction for probable underspending. We think that a similar system might with advantage be introduced in every case, whether the charge is to capital or to revenue, where expenditure on public works is in question.

(Question 1406.)

15. A very interesting memorandum, which appears as Appendix XV to our report, was handed in on behalf of the Posts and Telegraphs department explaining in some detail the principles adopted and the methods followed in arriving at a commercialised account of the working of this department. We had further the opportunity of examining the authors of this memorandum at some length in elucidation of the subject. The system is an elaborate one and the fruit of several years of expert consideration, and we are satisfied that it results in the presentation of the accounts in a significant and useful form working up to a figure of net annual profit or loss which, when the new form of account is fully in operation and some minor improvements have been introduced, will in our opinion be as accurate as is reasonably possible, allowance being made for certain limitations, e.g., omission to assign any capital value to land assigned to the department free of cost, which are necessarily imposed on the application of commercial accounting principles to a Government department.

Commercialized Accounts of the Posts and Telegraphs Department.

(Question 17.)

16. The main point still outstanding is the completion of the calculation on an actuarial basis of the annual charge for pensions. The figure at present adopted is an arbitrary one of 50 lakhs representing approximately one and a half times the actual charge for pensions now payable. This figure is based on corresponding experience in Great Britain and it is representing approximately one and a half times the actual charge for pensions now payable. This figure is based on corresponding experience in Great Britain and it is intended to retain it unchanged, although the true cost is naturally increasing year by year, until the calculation is completed. The intricacy of the calculation and the necessity of compiling elaborate statistical data will, we understand, probably involve an interval of at least two years more, before the present interim arrangement can be terminated. We are informed that the present figure of 50 lakhs is probably an under-charge rather than an over-charge.

(Question 33.)

17. An endeavour has been made to arrive at accurate estimates of the cost of services, not paid for at once in cash, rendered by the department to other Government departments, and we are assured that full credit has been given to the Posts and

[Sir Basil Blackett.]

Telegraphs Department on the revenue side of the account for all such services. We are not, however, entirely satisfied that the accounts as yet give sufficient credit to the department for the work done on behalf of the Government and the public by the radio system which the department operates at a loss of from 7 to 8 lakhs a year, only a

(Question 101.)

portion of which can legitimately be regarded as loss on the working of the telegraphs. We think this point should be examined by the Government, and unless the labour involved is likely to be serious, we consider that a separate profit and loss statement should be worked out for this part of the department's activities. Other minor points under investigation include the question of the credit due to the Department for railway telegraphs and the credit due to the telegraph and telephone portions of the account for services rendered to the postal department.

18. A considerable number of cases have been brought to light in the accounts for

Drafting of Contracts.

(Question 608)

the year 1924-25 in which loss of the taxpayer's money has resulted from the faulty or insufficient considered drafting of contracts entered into on behalf of the Government. Examples will be found in paragraphs 60, 61, 158, 202(a), and 205(a) of the Accountant General, Central Revenues' report. Another case of rather a different character connected with a contract for the employment of a public servant will be found in paragraph 99 of the same report. The particular cases mentioned on pages 13 to 17 of the Audit report on the Army accounts and dealt with in paragraph 43 of the proceedings of the departmental committee on Army accounts (Appendix XVI) are interesting as showing the valuable results which may ensue from the examination of the accounts by the Audit Department and the Public Accounts Committee. The defects brought to light by these cases have been remedied by the Army Department which has issued an Indian Army Order, given in an appendix to the report of the Army Accounts Committee just mentioned, in which the mistakes due to faulty drafting of contracts for hired transport brought out in the Audit report have been specially brought to the notice of all concerned and directions have been given for the introduction of standard forms of contract and a standard procedure. The amount of Government money which may be risked owing to hasty or faulty procedure in giving out contracts and in making payments upon them is very large and we consider that it is a matter of great importance that adequate arrangements should be made for securing that legal and financial advice is available to and obtained by the officers responsible for giving out contracts before they are finally entered into. Standard forms of contract should be adopted wherever possible and the rates mentioned in the contracts subjected to adequate prior scrutiny. In this connection we desire to reaffirm the view expressed by the Committee of 1925 in paragraph 49 of their report and

Appendix I.

accepted by the Government of India in Finance Department Resolution of the 1st June 1926 paragraph 27, that the Finance Department should make rules to provide that any contracts containing any unusual conditions should not be entered into without previous consultation with that Department, and that material variations in contracts once entered into should not be made without its sanction. Several cases have been brought to light in which executive officers have incurred considerable expenditure by varying contracts without consultation with the financial authorities. We desire also to re-affirm the important principle that whenever practicable contracts should be placed only after tenders have been openly invited. It is no doubt necessary that discretion should be reserved to the executive authorities on grounds which should be recorded in writing to dispense with tenders in special cases where it is clearly in the tax-payer's interest to do so, but such cases should be comparatively infrequent, should be admitted only when there are very special reasons for making an exception to the general rule and should be subjected to close scrutiny both by the executive and by audit.

19. The Committee of 1925 in paragraph 20 of their report suggested that new

Reappropriation of Savings to spend new items to be brought to notice of Assembly by Token Vote.

and important items of voted expenditure not contemplated when the original estimates were framed, of which the cost can be met out of savings elsewhere within the grant, should be brought to the notice of the Assembly by means of a token vote. The question of the adoption of the device of a token vote is dealt with in another paragraph of our report. What we desire to do here is to draw attention once again to the importance of the rule that expenditure of a kind which is technically of the nature of a "new service" ought always to be brought to the notice of the Assembly and subjected to its vote, even though it may be possible to pay for it by reappropriation from savings under other heads of the voted grant to

(Question 1124.)

which it is chargeable. Normally, indeed, provision for new expenditure on a new service ought, wherever possible, to be made in the original estimates of the year and not by means of a supplementary estimate at all, but if, as is doubtless inevitable, occasions arise where it is in the public interests to begin to incur expenditure during the course of a financial year on a new service for which provision was not made in the original estimates, in the case of voted expenditure statutory rules require that a vote of the Assembly should be obtained for that specific purpose and it is not enough that the matter will have been brought before the Standing Finance Committee in any case. We trust that the Auditor General and his staff will carefully scrutinise the cases in which reappropriations have been allowed during the course of the year with a view to ensuring that this rule in regard to new services is duly observed. An instance in point where we are doubtful whether this rule may not have been infringed occurs on page 281 of the Audit and Appropriation Accounts (Civil) for 1924-25 where footnote (d) brings out the fact that a sum of Rs. 14,516 was reappropriated from savings under other heads of Account No. IX-Commerce Department under the head of General Administration, and devoted towards meeting charges for the maintenance of the s. s. "Dufferin".

(Question 1122.)

We agree with the Auditor General that the charge was not properly brought to account by the Accountant General under the Head—Contingencies—Commerce Department. (See Appendix XI.)

20. The cognate question of the use of savings under non-voted heads for new expenditure not provided for in the original estimates arises out of the comment contained in paragraph 39 of the Auditor General's letter on the Appropriation Report on the Army services and paragraph 30 of the report of the Committee on Army Accounts for 1924-25. In the case of non-voted expenditure the sanction of the Government of India in the Finance Department takes the place of the vote of the Assembly. Rules have been laid down by the Secretary of State and are strictly observed in regard to the reappropriation of money saved under one head of the Army estimates to expenditure under another, and the Finance Department's approval is invariably obtained for all but the most minor cases of *virement*. Corresponding rules do not appear to have been framed in regard to reappropriation from one head to another in the case of non-voted expenditure for services other than the Army, though we understand that the Finance Department's approval is required for all important cases. We think that the Government of India might with advantage examine the desirability of framing rules embodying the principles followed in the case of Army expenditure for application to other cases of non-voted expenditure. It is important that the Finance Department should be strictly scrupulous in its exercise of such powers of reappropriation, and we agree with the view expressed by the Committee on Army Accounts that a distinction should be observed between reappropriations made to cover excesses in normal expenditure and cases in which savings were reappropriated to cover the cost of new measures which were not provided for in the estimates, and that it will be convenient for such reappropriations to be mentioned by the Auditor General in the annual Appropriation report, notwithstanding the fact that such reappropriations involve no irregularity provided the Finance Department's sanction has been duly obtained.

Re-appropriation of savings to non-voted new items to be brought to notice of Assembly by statement laid by Finance Department before the House.

(Cf para. 22.)

21. It will be convenient to refer at this point to the subject mentioned in paragraph 12 of the Finance Department's Resolution of the 1st June 1926 arising out of paragraph 21 of the report of the Public Accounts Committee of 1925, namely, the rule that all excesses over sub-heads should be formally reported to the department with whom the power of regularising such excesses rests, that is to say, in most cases the Finance Department, and should be formally sanctioned by that Department, if possible before the close of the year, and in any case before the Appropriation account is finally drawn up. The Finance Department Resolution to which we have referred was not issued until June 1926 and it is natural therefore that in the Accounts of 1924-25 which we have had under examination the absence of formal regularisation of excesses over sub-heads should have come repeatedly to our notice, since there appears to have been no rule in force hitherto requiring these to be formally regularised. We endorse the view expressed in the Resolution in question that such formal regularisation is desirable in all cases whether the expenditure is voted or non-voted.

22. In the case of voted expenditure when expenditure in excess of the grant voted by the Assembly has to be incurred or when it is desired to apply savings to a new service, a supplementary grant has to be obtained from the Assembly in

[Sir Basil Blackett.]

order to regularise the expenditure. The Assembly is thereby made acquainted with the facts in each case. On the other hand, when the expenditure is non-voted, the Finance Department's sanction is sufficient to regularise excess expenditure or expenditure on a new service, and there is at present no formal arrangement by which the facts are brought to the notice of the Assembly. We examined the Financial Secretary on this subject and he has handed in a memorandum (Appendix IX) in which he has suggested that the Finance Department should lay a statement on the table of the Assembly at the time of the presentation of the annual Budget detailing the cases in which its sanction has been given for supplementary grants for non-voted expenditure in a form analogous to that used for supplementary grants for voted expenditure, thereby enabling the Assembly to be made acquainted with facts in regard to non-voted expenditure which are of interest to it. We recommend that this procedure should be introduced. Its adoption will we think go far to secure that the Finance Department will obtain punctual information from other departments for its own use and that the rules requiring formal regularisation of excesses over sub-heads of a grant as well as over the total provision under a grant will be duly followed in regard to non-voted expenditure. The procedure we propose should also be of some value in establishing firmly the methods which are gradually coming into force for enabling officers and departments responsible for expenditure under particular grants to watch carefully the progress of expenditure during the year—a matter to which we, as the preceding Public Accounts Committees have done, attach the greatest importance.

23. Improved control over expenditure and improved methods for watching

Expenditure control—Pay and Account Offices.

the progress of expenditure are clearly beginning to emerge from the institution of the new system of Pay and Accounts Officers. This system is still experimental, being one of the main features of the plan for separating accounts from audit. An interesting memorandum on expenditure control for the use of controlling officers served by the Pay and Accounts Officers, dated 9th December 1925, was handed in by Mr. Jukes and appears as Appendix VII to our report. In the course of our examination we have been impressed by the improvement in financial control, the results of which are likely to be more and more evident in future appropriation reports, which has resulted from the necessity which now rests on departments of Government to conform to the requirements of parliamentary control and run the gauntlet of cross-examination year by year by the Public Accounts Committee. There is, however, some danger that enthusiasm for regularity in accounting will prove to have been pushed too far at the expense of efficient administration if care is not taken to see, particularly in relation to commercialised departments, that improved systems of accounting do not throw an undue strain on the executive of such departments to the detriment of their proper functions, and that the executive are provided with the right sort of financial assistance and advice. It has been stated in evidence that the attempt to introduce an over-elaborate system of cost accounting in the Army has actually had the result of diverting the Accounts staff from their proper duty, particularly in the case of local audit in the Army, and some of the cases which we have dealt with in regard to the Posts and Telegraphs Department suggest that the rules regarding control of expenditure may in some cases be beyond the present capacity of the staff which is called upon to apply those rules. The excess vote, with which we have already dealt,

(Question 501.)

required in the case of Civil Veterinary Services was explained to us by the representative of the Department of Education, Health and Lands, though the explanation could better be described as an apology, as due to the well-known inability of the scientific mind to adapt itself to the meticulous observance of technical accounting procedure.

24. The new Pay and Accounts Offices seem to us to offer a very hopeful prospect of providing a means of escape from the conflicting demands of efficiency in administration and regularity in observing the requirements of appropriation audit. In paragraph 5 of his memorandum Mr. Jukes writes: "Under the ordinary accounting system of India control of the desired kind is very difficult. In order to exercise it the controlling officer requires to be in close touch with the progress of his expenditure in the accounts. The accounts are, however, kept by an usually distant Accountant General whose returns reach the controlling officer many weeks after the incurring of the expenditure which they record. Another drawback of the ordinary system is that expert financial advice cannot as a rule be quickly obtained by the controlling officer. It is largely in order to remove these defects that the Pay and Accounts Offices have been instituted." In paragraph 6 Mr. Jukes says "In the case of a large Department which enjoys the full time services of a Pay and Accounts Officer the defects are

automatically removed. The accounts are kept in many instances under the same roof which covers the office of the head of the Department, and in any case in close proximity to it. The controlling officer is thus in a position to know practically from day to day the progress of expenditure from his grant under the various minor and detailed heads and to secure at the shortest notice any information which is derivable from the accounts. Further, he has the help, in the person of the Pay and Accounts Officer, of a Financial Adviser who is an expert in all rules and orders bearing upon expenditure and accounts and can be consulted before any financial commitment is incurred. * * * Where these conditions exist, the controlling officer is fully equipped with the means of exercising complete control over his expenditure." In many cases of defects or irregularities which we have examined in the Accounts for 1924-25 we have been assured again and again that, now that a Pay and Accounts Office has been established, a recurrence of such cases is improbable. Indeed, a not inconsiderable proportion of the cases with which the Accounts before us deal would not have come to light so early, with the result that the application of remedies would have been delayed, had it not been for the combined effects of the co-ordinated labours of the Pay and Accounts Offices dealing with the accounts and an independent audit free from accounting duties and able to devote itself solely to audit proper. This is particularly noticeable in the case of the grant for Delhi New Capital outlay where the need for both financial advice on the spot and for a much more thorough-going audit than has hitherto been possible was specially felt. It is too soon yet to arrive at final conclusions in regard to the general experiment of separation of accounts from audit, but we feel it our duty to record the very favourable impression which the new system of Pay and Accounts has made upon us in this early stage of its application during which it has, unless we are greatly deceived, in the case of New Delhi repaid several times over the extra cost involved, thanks to the increased efficiency and economy which has resulted.

25. With reference to the discussions which have taken place from time to time in the Assembly in regard to the order in which the Demands for Grants are submitted to the vote of the Assembly, a suggestion thrown out in the course of those discussions that the matter might perhaps be conveniently considered by the Public Accounts Committee was referred to by a member of the Committee, but it was held that it would be beyond the function of the Public Accounts Committee to make any specific recommendations on the subject, and the Committee decided to confine themselves to the suggestion that the most likely means for arriving at a suitable solution would be that the matter should be referred to a special committee of the Assembly for consideration.

26. In paragraph 23 of his letter forwarding the Audit and Appropriation Accounts of the Central Government, referring to paragraphs 44 to 46 on pages 34 and 35 of that report, the Auditor General expresses himself as follows in regard to the Northern India Salt Department :—"The work of this Department is undertaken in such remote localities that the Department has hitherto escaped adequate local audit scrutiny. It is the application of this local scrutiny for the first time which has disclosed the revelations made in this Report. It is a common experience in audit that the first local enquiry reveals startling features. I am glad to say that it is an equally common experience that energetic action is taken to rectify defects thus disclosed and after a few years the local audit settles down into a humdrum routine which is rarely enlivened by the discovery of serious irregularities. I trust that in succeeding years it will be possible to say the same of the work of the Northern India Salt Department." A considerable proportion of the paragraphs dealing with the Salt Department in the Audit and Appropriation Accounts relates to irregularities connected with the Sambhar Improvement Scheme. These irregularities had been brought to light as the result of the introduction of a system of local audit and inspection of the accounts of the Northern India Salt Department with effect from 1924-25 and are still undergoing examination in the Government of India. The facts have not yet been fully ascertained, many of the points made by audit authorities being challenged by the departmental officers. It has not been possible therefore for this Committee to deal finally with the question. It is clear on the one hand that from the point of view of regularity of accounts almost every conceivable offence has been committed. On the other hand, the representative of the Central Board of Revenue expressed the view that the officers concerned have been wholeheartedly devoted to the interests of the Government and have carried through an important scheme of improvement in difficult circumstances with real success at moderate expense. Until suitable arrangements for audit were made with effect from 1924-25 that is, after the scheme was practically complete, only the most rudimentary arrangements seem to have been in existence for

[Sir Basil Blackett.]

scrutinising the accounts and the officers on the spot appear to have been left very much to their own devices with insufficient arrangements for control from headquarters. Informally they seem to have been given a very wide discretion in regard to the working out of the scheme as originally outlined, but so far as formal delegation of powers is concerned, the arrangements made were obviously altogether insufficient. In such circumstances the officers on the spot are placed in an altogether unfair position. It is essential that, as has been done (so we are informed) in the case of the Vizagapatam

(Question 588.)

Harbour scheme, a set of rules should be framed giving adequate but carefully defined powers to the officer who is called upon to carry out a Major Work in a remote and difficult part where conditions of labour and transport are totally different from those in more suitably situated localities to which the ordinary rules apply.

27. We do not think it desirable for us at this stage to comment further on the questions arising in connection with the Sambhar Improvement Scheme. The matter from the stand point of audit is a most important one and it is essential that

all the facts should be ascertained and if possible agreed upon before the Committee is called upon to pass any judgment. Some members of the Committee were inclined to think that in view of the differences of opinion which have been disclosed between the audit authorities and the Salt Department and of the fact that the Government of India are involved in the question of the insufficiency of the control exercised from headquarters, the most suitable method of dealing with

(Question 558.)

the case would be to appoint a special committee of investigation. The majority of us, however, are of opinion that the matter, which is of outstanding importance, should be left over for thorough investigation by the Public Accounts Committee of 1927 when all outstanding points have been cleared up and the views arrived at by the Government of India after examination of those facts are on record.

28. A series of frauds came to light in the Appraising Department of the Calcutta Customs. Custom House in 1923. The officers responsible have been

suitably dealt with, but scrutiny of these and other cases has raised the question whether adequate arrangements are in existence for supervising the work of the appraising staff. The Central Board of Revenue have had this matter in hand for some time and proposals for securing a further check on acts of

(Question 686.)

appraisement are under discussion the cost of which is estimated at approximately Rs. 1 lakh a year. The problem of finding a right solution is not an easy one since improvement depends on securing a better check before the goods actually leave the Custom House, and the measures adopted must be so designed as to avoid imposing additional delay on the clearance of goods. The responsibilities of appraisers are considerable; the customs revenue at stake is by far the most important item making up the total revenue of the Government of India, and the temptations to which appraisers are exposed are very real. We recommend this subject to the Government of India for serious consideration and speedy rectification.

29. Another subject which is also engaging the anxious consideration of the

Internal check in Custom Houses.

(Question 671.)

Central Board of Revenue is the improvement of the system of internal check in the Custom Houses. We are of opinion, and we understand that the Central Board of Revenue entirely concur, that a considerable improvement in the system of internal check is desirable and possible. We understand that the Board contemplate the possibility of the appointment of an officer at headquarters to control the departmental check. Whether centralisation is desirable or not is a question on which we should not like to pronounce. We draw attention, however, to the importance of the general subject.

30. It was brought before us in evidence by the audit authorities that the Sea

Revision of the Sea Customs Act, 1878.

(Question 708.)

Customs Act of 1878 is obsolete and the need of drastic amendment in order to bring it up to date was prominently before us in evidence. We were indeed told that the Act would be unworkable in modern conditions if conventional methods had not grown up and obtained the sanction of long practice, though they were in many cases, if not *ultra vires*, at any rate not strictly in accordance with the letter of the law. It is obvious that this condition of affairs adds considerable difficulty to the work of the Audit Department a part of whose duties it is

to see that revenue is being collected by the Customs Department in accordance with the statutory provisions of the Act. We understand that the question of amending the Sea Customs Act was one of the first subjects taken up by the Central Board of Revenue at the time of its appointment in November 1923 and we trust that it will be possible at an early date to lay proposals for revising the statute before the Legislature.

31. A number of cases were disclosed in which money was drawn from the treasury in advance of the date at which it was required to be expended. This is an irregularity which may frequently lead to loss, if not to fraud, and is open to the additional objection that, if it occurs at the end of the financial year, it necessarily falsifies the figures of expenditure for the year in question. We support the opinion of the Auditor General that this form of irregularity should be sternly discountenanced, and if other means for checking it prove insufficient, the offenders should be subjected to some form of punishment of a deterrent character.

32. In paragraph 4 of his letter dated the 9th July 1926 covering the Audit and Appropriation Accounts of the Central Government (Civil) for the year 1924-25 the Auditor General draws attention to a case in which there has been a divergence of view between the Government of India and himself regarding the desirability of a despatch being addressed by the Government of India to the Secretary of State requesting an interpretation of a Section in the Government of India Act. The Auditor General held that an authoritative interpretation of certain words in the Section was required by him in order to enable him to exercise his statutory duties of Audit. The Government of India held that it was useless to ask in general terms for an interpretation of the words in question as the reply could only be that the Section must be interpreted with reference to the particular facts of a particular case and it was not a question of law but a question of fact which would arise for decision in any such case. The Government of India, however, expressed their willingness to address the Secretary of State in regard to any particular case in which it appeared that the provisions of the Section were being infringed, or might on a strict interpretation be held to be infringed, and in asking for the ruling of the Secretary of State on such a particular case to request also a general explanation of the reasons which guided the Secretary of State in coming to his conclusion. The Auditor General has hitherto expressed himself unwilling to withdraw his request that the Government of India should address the Secretary of State with a view to obtaining a general interpretation of the Section, and among his reasons for declining to accept the Government of India's proposal has referred to the long delay which has occurred in dealing with the particular case mentioned in paragraph 5 of the letter of the 9th July 1926. We understand that the Auditor General has now agreed to accept the proposal of the Government of India that the general question should be taken up in connection with this particular case provided that it is taken up without further delay. This solution will, it is hoped, provide a satisfactory settlement of the question on which there has been a divergence of opinion, and we trust that no further delay will now be allowed to occur in addressing the Secretary of State.

33. This case, however, raises a general question of some importance which is also mentioned by the Auditor General in the letter referred to. The Auditor General has a statutory duty of auditing the accounts on behalf of the Secretary of State. He has, however, only two channels of approach to the Secretary of State, namely, (i) through his letters forwarding the annual Audit and Appropriation Reports, and (ii) through the Government of India. The Government of India must of course address the Secretary of State and obtain his decision on any particular question of expenditure on which they are not the final authority and the decision of the Secretary of State is required or stated to be required in order to satisfy Audit authorities. On the other hand, the Government of India must retain their discretion to decide in regard to any general point when and on what matters they will address a despatch to the Secretary of State. The question therefore which is raised by the Auditor General whether he should not be given the right of direct access to the Secretary of State clearly requires consideration. No doubt the nature of the subjects to be dealt with in such direct correspondence between the Auditor General and the Secretary of State will have to be carefully defined if an *imperium in imperio* is to be avoided. Nevertheless, there would appear to be some *prima facie* arguments in favour of the grant to the Auditor General of additional facilities for communication with the Secretary of State, and the matter is one which should, we think, be carefully and sympathetically examined by the Government of India.

[Sir Basil Blackett.]

34. In dealing with the Army Accounts the Committee examined the representatives of the Army Cost Accounting System of the Army Department on the question of the Cost Accounting system in the Army and on the intentions of the Government in regard to the recommendations of the Committee on Cost Accounting in the Army which they were given to understand is shortly to be published. The final conclusions of the Government of India have, we learn, still to be confirmed by the Secretary of State, but it was made clear to us that in the opinion of the Government of India the cost accounting system in the Army has proved to be unduly laborious and not to give results commensurate with the expenditure and trouble involved. It is proposed to retain the system in the case of manufacturing establishments and ordnance factories, but to revert to a simpler form of accounts in regard to units. Experience had shown that the system of cost accounts did not give that improved control over expenditure in units which had been expected and that, without a degree of decentralisation which is impossible in the Army, that result could not be achieved by any mere elaboration of accounting system. The Committee noted the statement of the intentions of the Government so far as they have been defined at this date and decided that they would leave it to the Committee of 1927 to examine the details and practical working of the system to be introduced in its place and to arrive at and express an opinion on the new methods and forms adopted. They noted that the proposed changes have the cordial support of the Auditor General. They desire, however, to emphasise the importance of an improvement of local audit in the Army which it is expected will result from the simplification of the accounting duties which have to be performed and the consequential setting free of the local auditors for more useful duties. The abolition of cost accounting in the units will make the work of the local auditors more than ever important and every effort should be made to see that real improvement is secured.

35. In a considerable number of cases mentioned in the Accounts under consideration it appeared that expenditure had been recorded under a different head from that under which budget provision had been made for it. To some extent the frequency of these cases seems to have been due to the use for the first time of the new form of appropriation accounts, but in many cases it appeared that there had been absence of co-ordination between the officers responsible for preparing the budget estimates and the officers responsible for preparing the accounts. In order that comparison between actual expenditure and the original provision in the estimates may be facilitated, it is important that care should be taken to secure that the accounts and the demands for grants are drawn up on the same basis.

36. The Committee observed, particularly in the case of the Posts and Telegraphs Department, that expenditure on travelling showed a tendency to fall considerably below the amounts provided in the estimates. It was suggested by a witness on behalf of the department that the explanation was to be found in the fact that the rates of travelling allowance had been reduced and officers were in consequence unwilling to travel as much as before. We think that the allegation that the rates of travelling allowance are insufficient should be enquired into, though we desire to re-affirm the well-known rule that travelling allowances should not be a source of profit. But it seems to us to point to some failure of control in a department if inspecting officers are left in any way free to decide the extent to which they will travel and the places they will visit with reference to the possibility of making some profit or avoiding some loss on particular journeys. It is the duty of the superior-officers in a department to ensure that an adequate number of inspections is made and that the places visited on tour are those which ought to be visited in the best interests of the efficiency of the Department and not those which a particular officer has a fancy to visit.

37. The Committee had evidence to the effect that defects in Fundamental Rule 45 as it stands at present and the absence of a suitable and comprehensive re-draft are mainly responsible for the unsatisfactory position in regard to audit disclosed in some paragraphs in the Report on Grant No. 48-Civil Works with reference to house rents in Delhi and Simla. It is clearly desirable that the re-drafting of this Rule, however great the difficulties in producing a satisfactory re-draft might be, should not be further delayed, and that a new rule should be duly sanctioned and promulgated as soon as possible. In the same general connection the Committee desire to record their view that houses designed and built for officers of higher status should not be let to officers of a lower status in view of the loss of rent involved.

38. Rule 51 of the Indian Legislative Rules provides for the constitution of a Committee on Public Accounts for the purpose of dealing with the Audit and Appropriation accounts of the Governor-General in Council. So far as concerns that portion of the accounts for which the Accountant General, Central Revenues, was responsible, namely, the Civil Accounts for 1924-25, the Accounts referred to in the Legislative Rule quoted were presented to the Public Accounts Committee of 1926 for the first time in a single self-contained report. This Report is framed on the lines of the British report which experience has shown to be a useful model and constitutes the Audit and Appropriation report referred to in Rule 15 of the Rules framed by the Secretary of State under Section 86-D. (1) of the Government of India Act. The Committee desire to express their warm appreciation of the value of the Report in its new form and their recognition of the great pains devoted by the Accountant General to its preparation.

The Report is not yet in its final form as some of the subsidiary accounts were not ready for inclusion. It is already very large and the Committee suggest that its size might be reduced in the three following ways :

- (1) Only cases of real importance should be quoted. The attention of the Committee could be called to these cases more readily if in the general review where chief forms of irregularity are pointed out references were given to typical illustrative cases in the letterpress.
- (2) Only relevant and important details should be included as far as possible. It is desirable that the Accountant General should treat cases objectively giving the facts connected with them impartially and leaving it to the Auditor General to express general conclusions.
- (3) When cases are quoted in the letterpress, the details should not be given again in the notes to the accounts, as references to the relevant passages in the letterpress will suffice.

In saying this the Committee do not wish to fetter the discretion of the Accountant General as to the cases he should include in his Report.

The question was raised as to whether subsidiary accounts should be included setting out transactions of institutions mainly supported by grants-in-aid from Government. The Committee consider that it is undesirable provided that there is a satisfactory audit of such accounts, and that Government receive a copy of the audited accounts.

The Committee again considered the question of the extent to which cases on which the Government of India has not finally passed orders should be included in the Report. The Committee approve of the statement of the position given by the Government of India in paragraph 16 of the Finance Department Resolution. It is not possible to lay down any general rule on the subject, for while it is unnecessary to include ordinary cases for the consideration of the Committee, it is felt that very important cases and cases in the disposal of which there has been long delay should be brought to the notice of the Committee.

39. The Committee desire further to express their gratitude to the witnesses who appeared before them on behalf of the Departments of the Government of India to explain and elucidate points arising from the Accounts. They were impressed with the readiness and anxiety of the witnesses generally to assist the Committee in their task and the trouble which in most cases they had taken to acquaint themselves with the details of the cases on which questions were likely to be asked. Now that the purposes and the methods of working of the Public Accounts Committee of the Central Legislature have begun to be understood and appreciated, many of the difficulties which were met with in the first years of the institution of the Public Accounts Committee in obtaining satisfactory explanations appear to be rapidly disappearing and the new system to be working smoothly.

40. We attach as Appendix VIII to this report a statement showing the recommendations or suggestions made by the Public Accounts Committees of 1923, 1924 and 1925, on which action is still outstanding.

41. At our request the Auditor General has submitted to us a memorandum setting out the relations between himself and the Auditor of Home Accounts (Appendix VI). We consider those relations anomalous in some respects and hope that the Government of India will take up the question of giving effect to the recommendations of the Auditor General when the occasion offers.

[Sir Basil Blackett.]

42. We accept the recommendations of the official committee, which sat to consider the Audit and Appropriation reports on Army expenditure, on those matters which are not specially mentioned in other paragraphs of this report.

III.—Particular Accounts.

43. *Paragraphs 4 and 5 of Home Auditor's report on the Secretary of State's accounts.*—We are informed that a settlement is expected very shortly of the war claims outstanding between India and the Imperial Government. We trust that there will be no delay in arriving at a satisfactory conclusion which is much to be desired in the interests of both parties.

44. *Paragraph 14, ibid.*—We note that the contract for the Eastern Mail service will come under revision by the Imperial Government in 1928 when the question of India's contribution will require careful consideration.
(Question 277).

45. *Paragraph 22, ibid.*—The extent of the loss involved from the chartering of this vessel is somewhat startling. We note that the circumstances were special and we recognise that unusual steps were necessary to provide accommodation for officers returning to service in India.

46. *Paragraph 29, ibid.*—We are not satisfied that adequate precautions were taken before making an advance of £2,000 to the film lecturer without security.
(Question 838).

47. *Paragraph 30, ibid.*—Steps should be taken without delay to recover the sum due from the War Office on account of the hire of the "Dufferin" for conveying a British regiment in relief of an Indian one. The failure of the authorities in India to present this claim seems to require investigation.

48. *Paragraph 33, ibid.*—We have received from the Finance Department a copy of the minutes of the proceedings of a sub-committee of the Provincial Finance Members' conference held in Delhi in November 1925, at which the procedure for submission of demands in respect of expenditure in England was discussed. An acceptance of uniform procedure would facilitate the work of the accounting and audit authorities in England. See Appendix X to this report.

49. *Paragraph 3 of Home Auditor's report on the High Commissioner's accounts.*—We trust that the question of the ultimate liability for stores lost in the "Clan Mackay" will soon be settled. We understand that the Indian case is now ready for submission to the Arbitrator.

50. *Paragraph 5, ibid.*—It appears that the levy of 2 per cent. for departmental expenses on the value of stores purchased has not in all cases been sufficient to cover the charges incurred by the Central Government. Where the Central Government is making purchases on behalf of the Provincial Governments or outside bodies, it is we think important that the charge levied should be fully adequate in order that no final expenditure may fall on the central taxpayer. We recommend that the department concerned should re-examine the adequacy of this levy. See Appendix XIII to this report.
(Question 1059).

51. *Paragraph 6 (8), ibid.*—It is particularly important when expenditure is incurred on purposes such as entertainment that there should be no failure to present vouchers in full justification of the expenditure.

52. *Paragraph 6 (10), ibid.*—We are not satisfied that the interests of the taxpayer were adequately considered in the various motor car deals referred to.
(Question 1151).

53. *Paragraph 24 of the Report of the Accountant General, Central Revenues : Grants No. 43-Civil Works and No. 62-Delhi Capital outlay.*—The misrepresentation of facts and the manipulation of accounts to avoid audit objection are serious misdemeanours and we agree with the Auditor General that any steps which may be necessary to check such practices should be promptly taken.
(Question 1039).

54. *Paragraph 30 (vi) (a), ibid : Grant 1-Customs.*—The conditions disclosed in the character of the warehousing work of the Bombay Custom House were unsatisfactory. We are informed that action has now been taken to set matters right and trust that no recurrence of such conditions will be permitted.
(Question 706).

55. Paragraphs 59 and 62, *ibid* : Grant No. 3-Salt.—These cases illustrate the importance of the question of the methods of dealing with contracts which is referred to at greater length in paragraph 18 of this report. The story of the co-operative society in question as given in evidence before us has considerable human interest. The criticisms of the Auditor General regarding the complete irregularity of the arrangements adopted are amply justified. If this arrangement proved entirely successful and economical, this is a result which may do credit to the particular officer who combined the functions of president of the society taking the contract and of Government servant measuring the work and authorising payment but does not justify the superior officers who permitted such an extraordinary arrangement to come into being.

Page 242, *ibid*.—The large amount written off for wastage of salt in the Bombay Salt Department suggest the need for an investigation of the causes. We understand that a special officer has been appointed to investigate the various questions relating to salt policy and administration arising out of the recommendations of the Taxation Enquiry Committee. This officer has been asked *inter alia* to examine the present arrangements in Bombay in regard to weight into store, the details of the Stock Accounts, and the guarding and fencing of factories.

56. Paragraph 111, *ibid* : Grant No. 30-Medical Services.—The large balance of stores at the X-ray Institute at Dehra Dun was explained to us as resulting from accumulations during and immediately subsequent to the war and the necessity of keeping a large reserve during that period. A large stock, if locked up for a long time, naturally deteriorates and its value is depreciated. We consider that active steps should be taken to dispose of the excess with as little loss as possible. It may even be desirable to give stores away to deserving institutions if they cannot be otherwise disposed of before becoming entirely obsolete and useless.

57. Paragraph 119, *ibid* : Grant No. 40-Indian Stores Department.—We were informed that the Indian Stores Department was in some respects in a position to undertake more work than it at present secures. We trust that every effort will be made to see that it obtains sufficient employment to make it self-supporting.

58. Paragraph 125, *ibid*.—The rush of purchases at the close of the year must necessarily lead to undesirable consequences. Every effort should be made to remedy the defects disclosed.

59. Paragraph 133, *ibid* : Grant 43-Civil Works.—The question of the return obtained on furniture rented by officers occupying furnished houses at Simla and Delhi is a difficult one. The necessity of obtaining a reasonable return on the capital invested in addition to making adequate charges for maintenance and depreciation should be carefully kept in mind by the department concerned and by the Finance Department.

60. Paragraph 143, *ibid* : Grant No. 43-Civil Works.—We agree with the Auditor General that special care should be taken by high officials not to ask for furniture which is inadmissible under the rules from supplying officers who may be placed in a difficult position if such demands are made.

61. Paragraph 166, *ibid* : Grant No. 51-Baluchistan.—Frequent reappropriation of petty amounts should be avoided.

62. Paragraph 184, *ibid* : Grant No. 54-Andamans and Nicobar Islands.—The action of the Deputy Commissioner in taking advantage of his official position to compel the treasury officer to make a payment to him without proper authority was highly irregular and reprehensible.

63. Paragraphs 194 to 200, *ibid* : Grant 62-Delhi Capital outlay.—We are informed that a departmental enquiry is being instituted to enquire into the general questions raised by these paragraphs in regard to the collection of materials in advance or in excess of requirements and the position of the store accounts. We trust that the enquiry will result in improved control.

[Sir Basil Blackett.]

64. *Paragraph 201, ibid : Grant 62-Delhi Capital outlay.*—We understand that a special investigation is in progress in regard to the accounts of the store yard, where supervision seems hitherto to have been lax. The results of the investigation should be important.

65. *Page 265, Item A-1, ibid.*—The excess of nearly rupees 17 lakhs requires investigation.

66. *Paragraph 3 of Audit Report on the Posts and Telegraphs Department.*—We understand that the question of increasing the security required from officers who handle large sums of money is under consideration by the Government. Their conclusions on the matter will, we think, be of interest to the Public Accounts Committee of next year.

67. *Paragraph 3 and 23, ibid.*—These cases left us with the impression that there was some laxity of supervision in the department requiring rectification, and the evidence given on behalf of the department did not suffice to remove this impression. We desire to add that the fact that a sum lost is completely recovered does not necessarily imply that no additional punishment is required.

68. *Paragraph 48, ibid.*—We note that recruitment of telegraphists has been stopped subject to certain commitments to schools where telegraphists are under training. All possible steps should be taken to reduce the present surplus of telegraphists.

69. *Page 43 of Appropriation Report on the Accounts of the Posts and Telegraphs Department. Grant No. 41.*—The double debit of over Rs. 7 lakhs and the erroneous adjustment under Grant 21-Survey of India referred to in paragraph 5 above (item 2), point to some fault of system which should repay investigation by the Auditor General. More care should have been taken in the office of the Controller, Stationery and Printing. We note that the Accountant General, Posts and Telegraphs, has arranged for a scrutiny of the internal accounts of the Controller which deal with the supplies to the Posts and Telegraphs Department.

BASIL P. BLACKETT.
S. K. DATTA.
J. D. CRAWFORD.
N. M. JOSHI.
K. G. LOHOKARE.
V. N. MUTALIK.
E. MONTEITH MACPHAIL.
GULAB SINGH.
S. MURTAZA.

The 25th August 1926.

THE INDIAN LIMITATION (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I desire to ask your indulgence and the indulgence of the House to move my motions in the reverse order to the paper. I am very anxious to attend in another place in the course of this morning and therefore I ask your permission and the permission of the House to move now my motion in regard to the Indian Limitation Act, which stands as No. 11 on the paper. (Mr. President signified assent).

I beg to move that the Bill further to amend the Indian Limitation Act, 1908, for certain purposes, as passed by the Council of State, be taken into consideration.

Sir, this is, like many of the small Bills I have had to bring before the House in the course of the current Session, a by-product of the Civil

Justice Committee. One of their recommendations was that the proviso to sub-section (1) of section 20 of the Indian Limitation Act should be so amended as to make payment of interest subject to the condition that the fact of payment should appear in the handwriting of the person making the payment. Under the law as it stands repayment of principal has to be made in the handwriting of the person making the payment. Under the law as it stands repayment of payments of interest. That, Sir, is the first provision which my Bill makes. The Committee made certain other recommendations in regard to the Limitation Act which I have also brought into this Bill. They recommended that limited owners under the Hindu law and the *Karta* or manager of a joint Hindu family should be enabled to make acknowledgments and payments under sections 19 and 20 of the Limitation Act. They further proposed that article 166 should be so amended as to make it clear that it applies to a petition by a judgment debtor under section 47 of the Code of Civil Procedure. There was one further proposal of theirs, that is, that article 132 should be amended so as to make it clear that a suit to recover the value of paddy and such like produce charged on immoveable property comes within that article. These are four proposals, quite unconnected, and they have been brought in one Bill simply because they affect the same Act. Opinions have been obtained on them, and I think I can fairly say that the majority of the opinions received support the amendments I propose. They have been adopted in another place and were passed in that place without discussion. Sir, I move the motion.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : Sir, I beg to oppose this motion and for this reason I consider the Bill in the form in which it has been passed by the Council of State to be defective. I do not now propose to go into any criticism of clause 2 which purports to amend section 20 of the Limitation Act. That is a matter which may be more appropriately gone into in the discussion of the motion to be brought forward by my friend Diwan Bahadur Rangachariar, if the Bill is taken into consideration. My objection to the taking of the Bill into consideration is this. It is not that I am opposed to the substantive amendment of clause 20, but I consider that the effect of this amendment will be to deprive certain creditors of the benefit of the provisions of the existing law. The new amendment has the effect of curtailing the period of limitation, or rather the effect of depriving certain creditors of the benefit of the extension which they would be entitled to under the existing law. Under the present Limitation Act the fact of the payment of interest on a debt or legacy need not be noted in the handwriting of the person making it. The amendment proposes to insert a new requirement to this effect. There may be many cases where creditors have relied upon the provisions of the existing law and have not taken steps to obtain fresh acknowledgment of their debt or fresh evidence of their debt in the manner proposed to be required by the amending clause. In these cases creditors will suffer an injury by the enactment of the amending Bill unless there is some provision introduced to save the existing claims and rights of creditors. The ordinary way in which a provision of this kind is introduced is illustrated in sections 30 and 31 of the Limitation Act. Either the operation of the Bill may be postponed for a certain time or some other provision should be introduced in the Bill to save the claims of those creditors who have relied upon

[Sir P. S. Sivaswamy Aiyer.]

the payment of interest even though such payment may not have been attested in the handwriting of the person making it. I think it is essential, so far as my examination of the Bill this morning has convinced me, that there should be some clause like this to save existing rights, and I consider it a very serious defect in the Bill. The only way in which this defect can be remedied is by putting off consideration of the Bill and giving an opportunity to the Government to rectify what is obviously a serious mistake. I am open to conviction and if the Government can convince me that existing claims of creditors will be saved under the amending Bill, I am prepared to withdraw my opposition. But, so far as I have seen, there is no clause in the amending Bill either to postpone the operation of the Act or to save existing rights. Under these circumstances, I feel bound to oppose the motion that this Bill be taken into consideration.

12 NOON.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I oppose the motion for a different reason. The English law and the American law recognises a payment made by the debtor without any writing being required to enlarge the original period of limitation. In this the English and American law adopts the language of a learned Lord Chancellor that, where a debtor makes a certain payment, he must be deemed to have acknowledged the corpus of the debt towards which he makes the payment. Neither under the English law nor under the American law is the fact of payment required to be in writing whether the payment is made towards a partial discharge of the principal or towards interests as such. Now, Honourable Members will see the amount of literacy in England and America as compared to the amount of literacy in this country and they will at once understand why we object to the rigorous provisions of the existing Limitation Act made far more rigorous by the amending Bill brought before this House. In literate England and America where every man writes, writing is not required. In comparatively illiterate India where very few write, writing was required as a prerequisite under the existing Indian Limitation Act. There was a safeguard as regards the payment of interest and the amending Bill seeks to sweep away even that safeguard. The position, therefore, in India would be this. If the creditor advances money to the debtor and the debtor makes the payment—whether it is towards the principal or interest is immaterial—but the fact is not in the handwriting of the debtor, then that would not suffice to enlarge the period of limitation. I submit, Sir, that this is a reactionary measure because, while curtailing the period of limitation, it will also force the creditor to bring his debtor into court sooner than he would otherwise have done. Otherwise he will lose his suit, because the period of limitation by the acknowledgment has been curtailed. I therefore submit that this amendment requires further consideration. The proviso to section 20, which the present Bill seeks to amend, is a proviso which has been the battleground of the courts ever since the date when it was enacted. Honourable Members will find that the phrase “fact of the payment appears in the handwriting of the person making the same” has been the subject of conflicting decisions between the various High Courts. It has been pointed out that in the case of a literate debtor who can write, it is possible to provide that the fact of the payment should appear in the handwriting of the debtor. But what about an illiterate debtor? Why should

he have a shorter period of limitation than a literate debtor ? My friend Sir Walter Willson says " thumb mark ". That is exactly my amendment. I have given notice of an amendment and, if it is carried, it will greatly mitigate the evil from which this proviso suffers.

The Honourable Sir Alexander Muddiman : I have had no notice of that amendment.

Sir Hari Singh Gour : I sent it, Sir, the day before yesterday and I have got a copy of it with me here. I will explain to the Honourable Members the object of my amendment.

Mr. President : Order, order. The Honourable Member cannot deal with his amendment at this stage.

Sir Hari Singh Gour : I am only mentioning it by way of illustration.

Mr. President : The Honourable Member is opposing the motion that the Bill be taken into consideration.

Sir Hari Singh Gour : If the Honourable the Home Member opposes my amendment, it will make his Bill much worse.

Mr. President : Order, order. The amendment is not before the House. The Honourable the Leader of the House says that he has received no notice of any amendment.

Sir Hari Singh Gour : I have tried, Sir, in the short space of time at my disposal to improve this proviso. I submit that more time must be given and the further consideration of this Bill must be postponed. The Government must take counsel with themselves and redraft the whole of this proviso. It is one of the most ill-drafted provisos in the whole of the Indian law of limitation. While they are trying to circumvent one difficulty by cutting the Gordian knot by saying that all payments must be in writing, they are letting alone another phrase which occurs in the proviso and which, as I have said, has been the subject of most conflicting decisions.

The Honourable the Home Member and the Honourable the Law Member the other day attacked one of my Bills, which had preceded the Report of the Civil Justice Committee and which was fortunately afterwards supported very strongly by that Committee, on the ground that I was introducing into this House tinkering legislation. Immediately after my very important, though small, Bill was thrown out, the Honourable the Law Member illustrated what he meant by tinkering legislation by giving his support to another small Bill of mine which was equally supported by the Civil Justice Committee. As if that piece of tinkering legislation was not enough, they have ever since been introducing tiny Bills amending one section here and another section there, and their sole justification for bringing these multifarious Bills before this House is that they are supported by the recommendations of the Civil Justice Committee. I ask the Honourable the Home Member to make a comprehensive survey of the Report of the Civil Justice Committee and introduce once for all the Bills to which he wishes this House to give their support. We do not like this legislation. I submit that this piece of legislation is particularly wide because it seeks to amend one part of the proviso leaving the other part of the proviso severely alone, and that part of the proviso is one which calls for immediate and, I submit,

[Sir Hari Singh Gour.]

very necessary amendment. On these grounds, Sir, I also oppose the motion.

The Honourable Sir Alexander Muddiman : Sir, as regards Dr. Gour, I disagree with his views in regard to the particular sections with which he has been dealing. I also disagree with him that legislation in the compass of a single Bill should be undertaken with regard to the various recommendations of the Committee. It would be beyond the wit of man to bring together all the multifarious proposals of the Civil Justice Committee in any such Bill, and I am sure if my Honourable friend will merely count them up he will agree with me in that view. Now, this is a very small Bill and I do not attach very much importance to it. If the House is disinclined to deal with it this Session as is apparent from the speeches delivered, I have no wish whatever to press it for the immediate acceptance of the House. The Bill contains separate proposals which are not connected with each other and are of varying importance. My Honourable friend, Sir Sivaswamy Aiyer, said that if you change the law of limitation without notice, you may affect existing rights. Sir, if you carry that to its logical conclusion, you will never be able to alter the law of limitation. The law of limitation will remain as it is now on the Statute-book. But I do not think he meant to go quite as far as that. What he meant to say was that further notice should be given (*Sir Hari Singh Gour* : "By a saving clause") to the effect that this proposal is under the consideration of Government and that men should become cautious. Of course, it can be done by a saving clause. This object, however, can be achieved if you allow a considerable time to elapse before actually bringing the Bill into operation. That is sufficient notice. As I have said, however, as the House is apparently not prepared to take up this Bill this Session, I ask leave, Sir, to withdraw my motion.

Mr. President : Does any Member object to leave being given to withdraw this motion ?

Honourable Members : " No ".

The motion was, by leave of the Assembly, withdrawn.

THE INDIAN EVIDENCE (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move that the Bill further to amend the Indian Evidence Act, 1872, for a certain purpose, as passed by the Council of State, be taken into consideration.

This, Sir, is also one of the Bills which my Honourable friend, Sir Hari Singh Gour objects to, one of those trifling little matters dug out from the rich gold mine of the Civil Justice Committee's Report, but still it is a matter of some importance, and I hope on this occasion the House will pass it. As the House knows as the lawyers in the House know, secondly, if a document is required, evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive and subject to the process of the

court and capable of giving evidence. The Bill, put in a nutshell, provides that, save as regards wills, in the case of registered documents, the court may dispense with the necessity of proof of a witness unless execution is specifically denied in the pleadings. That, Sir, is the short purpose of my Bill. The Civil Justice Committee in paragraph 5 at page 499 of their Report deal with this matter. They say that insistence on the provision as it exists has led to serious delay and injustice, and they recommend an alteration of the law in the sense I have indicated. The Local Governments and High Courts who were consulted are generally in favour of the proposal, and therefore we have brought it forward in this Bill. I move, Sir.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman: Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

THE ADMINISTRATOR GENERAL'S (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I move that the Bill further to amend the Administrator General's Act, 1913, as passed by the Council of State, be taken into consideration.

Under the Administrator General's Act, 1913, the Administrator General has power, when a person dies leaving assets of the value of one thousand rupees, to grant a certificate to a claimant. The effect of that certificate is that the claimant is not required to take out letters of administration or a succession certificate. It is a benefit enuring to a poor estate. So large a proportion of the assets would be wasted in requiring the ordinary legal procedure to be followed by which letters of administration have to be taken out or a succession certificate has to be obtained, that it is desirable in the interests of the poor beneficiary to allow this special procedure. I have no doubt that the House will realise that the procedure being of a summary nature is not attended with the same safeguards as there are in the normal procedure in larger estates, and therefore the House will be careful to see that any extension of the privilege is watched with a certain amount of care. The Civil Justice Committee considered this matter, and they made a recommendation that the limit should be raised to Rs. 3,000. I see from the debate in another place that that proposal met with some support. Well, in these matters you can argue that, if it is raised to Rs. 3,000, why should it not be raised to Rs. 4,000, why Rs. 2,000, and so on. We selected Rs. 2,000, because on the whole, there was unanimity on that proposal. We might have selected Rs. 3,000, we might have selected Rs. 4,000. But as I have pointed out, the higher the estate goes, the more important it is to see that those ordinary precautions which hedge round administration are taken. It is in the interest both of the State as well as that of the individual testator that these precautions should be taken. I do not think, Sir, I need say more with regard to my Bill.

The motion was adopted.

Clause 2 was added to the Bill.

[Sir Alexander Muddiman.]

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman : Sir, I move that the Bill as passed by the Council of State, be passed.

The motion was adopted.

THE SIND COURTS (SUPPLEMENTARY) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move that the Bill to supplement the Sind Courts Act, 1926, as passed by the Council of State, be taken into consideration.

I need not detain the House for more than one moment in connection with this small Bill. It is a formal Bill, and it has been necessitated by the passing of the Sind Courts Act, 1926. The result of that Act was to constitute a Chief Court for Sind. That court being a new court, it is necessary to make a number of amendments, which are set out in the Schedule to the Bill, referring to the Court.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Schedule was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman : Sir, I move that the Bill to supplement the Sind Courts Act, 1926, as passed by the Council of State, be passed.

The motion was adopted.

THE INDIAN COMPANIES (AMENDMENT) BILL.

The Honourable Sir Charles Innes (Member for Commerce and Railways) : Sir, I beg to move that the Bill further to amend the Indian Companies Act, 1913, for a certain purpose, as passed by the Council of State, be taken into consideration.

This is a very small Bill and, I hope, an entirely uncontroversial Bill. The object is to amend section 26 of the Indian Companies Act. Section 26, as Honourable Members doubtless know, enables a Local Government to allow an association formed for promoting commerce, art, science, charity or any other useful object to be registered as a limited liability company without having the words " Limited Liability Company " after its name. What I want to do is to insert the word " religion " between " science " and " charity ". When the first Companies Act was passed in India in 1882 it was decided to omit the word " religion " which appears in the corresponding section of the English Act because it was thought that religious societies in India were sufficiently served by the Religious Societies Act I of 1880. That Act, however, is not a very effective Act and does not suit the purpose, and the consequence

is that we have some religious societies—principally Diocesan Trust Associations registered under the Societies Registration Act, 1860, and other societies registered under the Indian Companies Act. The question has been raised whether registration under the Indian Companies Act is valid or not, because “religion” does not appear in section 26. The object of this Bill is to remove that doubt. The matter is likely to become more important in view of the possibility of the Indian Church Measure being passed, in which case it may be necessary for diocesan corporations and the like to register under the Indian Companies Act. Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Charles Innes : Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

THE CANTONMENTS (AMENDMENT) BILL.

Mr. E. Burdon (Army Secretary) : Sir, I move that the Bill further to amend the Cantonments Act, 1924, for certain purposes, as passed by the Council of State, be taken into consideration.

Sir, this is a very simple and, as I have reason to believe, an entirely non-contentious measure. The Cantonments Act, 1924, embodied a new system of administration and it is only natural that the system then adopted should require to be improved and corrected in certain details in the light of practical experience as we go along. The changes which it is proposed to make on this occasion are, I think, sufficiently dealt with in the Statement of Objects and Reasons. I have received no notice of any amendment, and, consequently, I think it is unnecessary for me to detain the House any further. Sir, I move.

The motion was adopted.

Clauses 2 to 11 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. E. Burdon : Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

DEMANDS FOR SUPPLEMENTARY GRANTS.

Expenditure charged to Revenue.

PORTS AND PILOTAGE.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I beg to move :

“That a supplementary sum not exceeding Rs. 2,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Ports and Pilotage’.”

The motion was adopted.

AVIATION.

The Honourable Sir Basil Blackett : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 1,48,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Aviation'."

Maulvi Muhammad Yakub : (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I beg to move :

"That the Demand under the head 'Aviation' be reduced by Rs. 100."

Sir, in moving this amendment I do not want to prolong the proceedings of the House. My idea in bringing this amendment is to draw the attention of the Government to the urgency of opening the door of service in Aviation to Indians.....

Mr. President : Order, order. Does the Honourable Member wish to raise the question of policy on this motion ? As the Honourable Member is aware, questions of policy are open to discussion only once in a year, i.e., when Demands for Grants are considered by the House on the occasion of the general Budget.

Maulvi Muhammad Yakub : My point is to raise the question of the appointment of Indians in Aviation.

Mr. President : The Honourable Member could have done so at the time of the general Budget. The motion now before the House is for a supplementary Demand for grant.

Maulvi Muhammad Yakub : I bow to your decision, Sir.

Mr. President : The question is :

"That a supplementary sum not exceeding Rs. 1,48,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Aviation'."

The motion was adopted.

MISCELLANEOUS.

The Honourable Sir Basil Blackett : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 2,41,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Miscellaneous'."

The motion was adopted.

REFUNDS.

The Honourable Sir Basil Blackett : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 18,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Refunds'."

The motion was adopted.

DISBURSEMENTS OF LOANS AND ADVANCES.

LOANS AND ADVANCES BEARING INTEREST.

The Honourable Sir Basil Blackett : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 5,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Loans and Advances bearing interest'."

Loan to the Imperial Gymkhana Club, Delhi.

Sir P. S. Sivaswamy Aiyer : (Madras : Nominated Non-Official) : Sir, I wish to take exception to this proposal to make a grant in favour of the Indian Gymkhana Club.

Sir Hari Singh Gour : (Central Provinces Hindi Divisions : Non-Muhammadan) : It is not Indian ; it is Imperial.

Sir P. S. Sivaswamy Aiyer : I beg your pardon ; the Imperial Gymkhana Club. I am not altogether out of sympathy with the objects for which this grant is proposed to be made. Officials of the Imperial Government are, I know, a very hardworked lot and have many troubles and vexations to undergo. After the hard work of the day and in some cases after the boredom of the day's debate in the Assembly, or perhaps even in the Council of State, many an official of Government would probably require some means of diversion and I do not grudge them the numerous facilities for recreation, for diversion, for jollity, for revels, which the Imperial Gymkhana Club will provide. I do not grudge them their balls, their evening and nocturnal dances. There are of course some among us, like my friend Sir Walter Willson, who probably appreciate the provision for balls, being an expert as he is upon the requirements of balls. But I have some objections to this grant which I shall state at once. I see, Sir, a very suspicious statement in the notes of the Standing Finance Committee with regard to this grant. It is stated that there will be a necessity for the officials to keep houses in Delhi for only 5 or 6 months. I thought at one time, when the new capital was about to be brought into existence, that all except a few officials—perhaps the topmost gods—would be stationed in Delhi itself permanently. But on page 200 I find it stated :

"It is the intention of the Club to build club quarters consisting of 2-roomed semi-detached cottages and 3-roomed detached cottages in the grounds of the club which will provide officials with the desirable privacy which places like Alipore House do not give and at the same time save the occupants the necessity of setting up houses for 5 or 6 months in Delhi."

That carries with it the implication that for the remaining 6 or 7 months the officials would be located in Simla and this statement has apparently received the imprimature of the Finance Department and of the Finance Committee. I should like to know whether the Government of India have made any change in the policy which they announced when the new capital scheme was launched. That is one of my objections to this grant.

Another objection is this. It is stated in the notes of the proceedings of the Finance Committee that Indians will also be eligible for membership in this Club, but I am afraid the vast majority of the members will be Europeans.

The Honourable Sir Basil Blackett : No.

Sir P. S. Sivaswamy Aiyer : I can readily understand the officials being able to make themselves quite comfortable in this Club, but so far as the Indians are concerned, my fear is that they will find the atmosphere of the Club either too full of frivolity or too much official-ridden and too full of a sickly and oppressive official atmosphere. I think the non-official Members of the Legislature are more likely to feel comfortable in a Club of their own like the Chelmsford Club than in this Imperial Gymkhana Club, notwithstanding its very high-sounding name. My suggestion, Sir, is that the Government should show the same generosity to any proposal to build a Club for the Indian Legislature at Raisina. We have the Chelmsford Club now in Delhi and Simla. We do not know what is going to become of this Chelmsford Club. Whether it is going to find a local habitation in Raisina or whether it is going to be extinguished, or whether it is going to be metamorphosed we have no idea. What I would suggest is that the Members of the Indian Legislature should also be provided with a Club where they may enjoy the more vigorous breeze of unofficial freedom instead of being stifled in the official atmosphere. I am sure that this proposal would commend itself to the Members of this House, except perhaps to a few who attach great importance to balls. We do not require a ball room of 70 ft. by 30 ft. or of any other dimensions that may be prescribed by my Honourable friend Sir Walter Willson, but we should probably like to have the other conveniences.

I notice another thing. Quarters are proposed to be built and it is suggested that 75 per cent. of the quarters should be earmarked for Government officials. It is stated that that is really meant as a contrivance to save money for the Finance Department. They say that if quarters were not built, Government would have to build houses and therefore it is really in the interests of economy and that it is with the object of protecting the financial interests of the Government that the proposal to build quarters is made. Very well, I do not mind with what object that proposal is made, but I am pretty certain that 75 per cent. of the quarters will be earmarked for Government officials. If those quarters would be equally available to Indians and other non-officials, my objections would probably be mitigated. But I think that we should ask the Government whether they would agree to a similar proposal on behalf of the Indian Legislature, and, unless they can quickly come to terms with us, I should oppose this proposal.

Sir Hari Singh Gour : I regret I have to oppose this motion on another ground and it is this. I do not think that the revenues of the Central Government should be diverted to giving loans to any Club at all. A club is essentially a social institution and it must find funds for providing social amenities to its members either from a bank or from a baniya, but certainly not from the tax-payer's money. I do not see how the Gymkhana Club is a charge upon the tax-payers' money, or for the matter of that the Chelmsford Club unless it happens to be a club intended for Members of the Indian Legislature in which case it would be a purely official club in the nature of a reading room and a library for the purpose of enabling Members of the Indian Legislature to provide themselves with the intellectual pabulum that they require for the more efficient discharge of their duties. But be that as it may, whatever may be the propriety or

impropriety of instituting a club for the Members of the Indian Legislature, I fail to understand what distinction there is between the Imperial Gymkhana Club and any private institution, such as the Delhi Club or any other Club which may ask for a grant from the Central Legislature. I therefore submit that the principle is a wrong principle and, because it is a wrong principle, I oppose it.

Mr. S. C. Ghose (Bengal : Landholders) : May I ask the Finance Member under what rule or regulation this Demand has been brought up ?

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : It strikes me that we are setting up an inconvenient precedent when proposing this grant. I know there are several institutions going about in Simla, run by the subordinate officers of the Government of India, which require financial help. We, visitors, have been often approached for financial help for putting up permanent buildings in Delhi or in Simla for the education of children of the officers employed here—both upper subordinates and lower subordinates—and also for the purposes of their own enlightenment and amusement such as clubs and theatres. Now, where shall we land ourselves if we set up a precedent like this ? Here is a Gymkhana Club which no doubt belongs and will belong to the upper strata of the officials here. Probably with a small admixture of highly placed Indians ; it will be entirely European, having regard to our experience of Gymkhana Clubs all over the country. I should like to know what the Indian membership is going to be, how many Indians there are on the Committee of this Club. In the notes circulated to the Standing Finance Committee, it was said that membership is open to Indians. We know what that means. We want to know how many applications for membership were received, how many were admitted and how many were refused. There are various difficulties for Indians to be freely admitted there. I do not put the matter on that narrow ground. I think this is a matter which the Finance Department should examine more carefully, for not only here but also in Local Governments there are clubs of various sorts, and once we embark upon this method of making loans we do not know where we shall land ourselves. Public money should not be utilised for this purpose unless it is of an exceptional nature. The difficulty will be, as Sir Sivaswamy Aiyer pleaded so ably, that you will be forced to be generous to all. I do not know who the President of this Club is. He may be His Excellency the Commander-in-Chief. Simply because influential officials run this club, they should not get preferential treatment. It will become a universal request. With what face can you then say : I will allow loans only to the Gymkhana Club and not to any other clubs run by uninfluential people. In the case of uninfluential people, it is a necessity, whereas high officials can run their own clubs and there are various places of amusement. For instance, in Simla, I find that almost every night, I am visiting this place and that place of amusement. Therefore, there is no lack of opportunity for amusement in this place for influential folk. I therefore submit that this is a matter which requires our great consideration. We should not lightly embark upon this and I therefore ask Government to reconsider this matter. As at present advised I must oppose this motion.

Sir Walter Willson (Associated Chambers of Commerce : Nominated Non-Official) : Sir, I must confess that in the Standing Finance Committee

[Sir Walter Willson.]

I approached this matter in a sceptical spirit, rather like my friend. (Sir Sivaswamy Aiyer). It struck me as being a proposal a little out of the way. We then went into it very carefully and we found that there was a good deal to be said on both sides. In spite of the jibes of my friend as regards the ball room at Government House, Raisina, I still think the size of it will remain a monument to the discredit of the architect ; but I have very little interest in balls and dances from a personal point of view. Now, coming back to the question of this Club, another point which struck me, and I admit having approached it with hesitation, was this. Why should, as my friend said, Government officials have 75 per cent. of the accommodation reserved for them ? I said to myself—because it is Government money which is being put up, that is no argument why 75 per cent. of the accommodation should be reserved for Government officials. Government money is the tax-payers' money. I am a tax-payer and I have as much right to the accommodation as the Government officers. But when I looked further into it, I found that this was no argument at all. The real argument is that accommodation has to be provided for Government officials, whereas it does not have to be provided for me, and, therefore, reluctantly, I had to agree in the end to the reservation of the 75 per cent. for Government officials. The Club will be available to us all. Some of us who do not like dances might go somewhere else. There is a club in present Delhi known as the Chelmsford Club—a club in which Members of this Assembly are very much more interested than they are in this Gymkhana Club, or whatever you may like to call it. I asked the question whether if the Chelmsford Club, in which Members of the Assembly are much more interested, came up for similar treatment, it would be favourably considered ?

Sir Hari Singh Gour : No.

Sir Walter Willson : I do not know what the Finance Member will have to say. His answer was non-committal, but I gathered that it was not unsympathetic. This proposal then does not seem to be an unreasonable one. We considered whether it was permissible to grant funds under the Act. The answer to that I believe was that there are no rules at all. Each case must be dealt with on its own merits, and if the Assembly sanctions it, it is legal. If that is not done, that is another matter. After going into the question very carefully in the Committee we came to the conclusion that this was a proposal that we could legitimately put before the Legislative Assembly, and I therefore support it.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) : Sir, the Demand for this Supplementary Grant has been opposed by my friends Sir Hari Singh Gour and Diwan Bahadur Rangachariar on grounds of propriety. In regard to that I may say that it is not unusual for Government to grant loans to their employees for the starting and development of clubs.

I understand that it is done very often on the Railway side. Even at Raisina it has not been unusual for Government to provide special facilities, at the expense of the tax-payer, for clubs for their subordinate employees. I have been told, for example, that Government have provided separate quarters for the European and Indian employees for use as clubs at nominal rents. Therefore, it seems to me that there is nothing wrong in principle in this Assembly voting this Demand. My friend Sir Walter

Willson has also developed that aspect of the case. He has tried to establish the fact that there is nothing fundamentally wrong in the Assembly voting this particular Demand and that the proposal does not contravene the Government of India Act or any financial rules. Well, that is my reply to my friends Sir Hari Singh Gour and Diwan Bahadur Ranga-chariar.

My friend Sir Sivaswamy Aiyer has raised two points ; firstly, does the grant of this loan to this particular club in any way detract from the policy of the Government of India in regard to the period of retention of the Secretariat in Delhi. Well, I can assure my Honourable friend that there is nothing in the grant of this loan which can have that implication. Whether the Government of India later on decide to stay in Raisina for 5, 6 or 7 months is a matter which will have to be decided quite irrespective of this proposition. Sir Sivaswamy's next point is this ; here is a club which, though it nominally caters also for Indian officials and non-officials, probably has its membership restricted, at any rate for the present, to European officials and non-officials. Well, I honestly do not know what the present position is in this respect. I am not myself a member of the Imperial Gymkhana Club and I am not in a position to say whether it has on its rolls at present any Indian members. (*An Honourable Member* : "Are they allowed there ?") They are certainly allowed to be members of the club. I remember myself that years ago when this club was started I was asked to become a member. But as I have no great liking for club life, I did not join this particular club, but I have personal knowledge of one or two Indians who did join the club at that stage. (*An Honourable Member* : "And are still members.") Therefore, it is wrong to say that the membership of this club is refused to Indians. Sir Sivaswamy has then quoted the case of the Chelmsford Club. As Sir Walter Willson has said, if there is a demand on the part of the Chelmsford Club for a similar accommodation from Government then that question will be very carefully considered. I may say this, that the Chelmsford Club has not yet placed before Government any similar proposals. They have been considering the matter quite recently, but until they are assured that there will be a demand on the part of a large section of the Members of this Legislature to become its members and to partake of the amenities provided by it, it cannot possibly embark on a venture of that sort. But still the club itself is considering the matter and I can assure the House that if the club submits to Government proposals that it should receive concessions similar to those given to the Imperial Gymkhana Club, then the matter will receive the careful consideration of Government. I should like to mention another matter. The reason why Government have taken a favourable view of a loan to this particular club, or a similar loan to, say, the Chelmsford Club, is this. If Government do not grant this loan they will be compelled to build more quarters for their officials to house them during the period of their stay in Delhi. I know that during the winter of 1926-27 the accommodation available will not suffice to meet the requirements of all our officials, and unless some other arrangement can be made Government will be compelled to build more accommodation. The Gymkhana Club is going to build 12 quarters and it is going to reserve 9 of them for the use of Government officials. The cost of those 9 quarters, including the furnishing charges, would amount roughly to a lakh and a half of rupees. Now, if Government definitely

[Sir Bhupendra Nath Mitra.]

turned down this proposal, they would have to incur that expenditure of a lakh and a half outright, and they would never get an adequate return. The result therefore simply is that Government manage to secure additional accommodation for their officials without having to incur any expenditure from the resources placed at their disposal by the tax-payer. Well, the same thing will happen if a loan is given later on to the Chelmsford Club. It will be called upon, as the Gymkhana Club has been, to undertake to provide a certain number of quarters to accommodate Government officials, thereby reducing the demand on Government to build additional quarters. I trust that with this explanation the House will be pleased to accede to this Demand.

***Mr. K. Rama Aiyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadian Rural) : Sir, I have not been able to follow the last argument of my Honourable friend Sir Bhupendra Nath Mitra. I really want to know whether for the purpose of providing accommodation for officials Government would be prepared to give advances to private individuals. I really do not see what difference it makes whether a private individual asks for such an advance or a body like the Gymkhana Club. I submit that that argument for advancing money cannot hold water. The other point I wish to press is, what has been done to insure the repayment of this money ? Suppose the Gymkhana Club has not got Rs. 30,000 available to repay annually. What is the guarantee that in the course of time the money will be surely returned ? Suppose that at some time the people do not desire to take advantage of the quarters provided by the Club, or some other more convenient quarters spring up, and people do not patronise the club quarters in large numbers, then the club will be unable to pay the Rs. 30,000 annually that it has contracted to do. What is proposed to be done in that case ? Has any guarantee been taken in respect of this ? I really think that this will be starting on a course which will not be to the interests of Government. Also it is very difficult to be impartial if we once begin this kind of thing. The arguments that have been advanced by the Honourable Sir Bhupendra Nath Mitra really do not improve the case for Government one bit.

Maulvi Muhammad Yakub : Sir, I am sorry that even after hearing
1 P.M. the speeches of the Honourable Sir Bhupendra Nath Mitra and the other gentlemen who have spoken in favour of this grant being sanctioned, I am still unable to agree with them. Sir, I have got a fundamental objection concerning this grant, and it is this, that we are called upon this morning to sanction only supplementary grants. Now, Sir, what is a supplementary grant ? So far as I can understand a supplementary grant is that which supplements a substantial grant. We sanctioned the expenditure of a certain sum during the last Budget on a certain head. After some months it is found by the Government that the grant which we then sanctioned is not sufficient for the head for which it was granted. The Government therefore, in order to complete the expenses for that head, want a supplementary sum to be sanctioned by this House in order to defray the expenses of that head. Now, Sir, about this grant I must say there is no question of its being called a supplementary grant, that

*Speech not corrected by the Honourable Member.

is, a grant supplementary to any Demand that we sanctioned during the last Budget. Under this heading we did not sanction any grant during the last Budget grants, and therefore I submit, Sir, that we are not justified in calling it a supplementary grant, and the Honourable the Finance Member is not justified in asking this House to sanction it as a supplementary grant. If it is intended that this expenditure is necessary, then I think, Sir, the Honourable the Finance Member should wait until the next Budget. Of course the question of providing certain rooms in a gymkhana is not such a very important and urgent question that the House should be asked to make a supplementary grant for that purpose, and the Government can very well wait for five or six months when this question can be taken up at the time of the ordinary Budget grants. So for this reason, Sir, I think that fundamentally this grant cannot be put to the vote of the House at the present stage. The Honourable Sir Bhupendra Nath Mitra has raised the question of providing accommodation for Government officials at Raisina. I would submit, Sir, that I do not find that there would be any difficulty, at least during the next five or six months or during the next year, to provide accommodation for Government officials at Raisina. I know, Sir, from my own personal experience that a certain number of rooms in the Western Hostel are kept vacant for want of occupants. I am certain that these rooms, because the Government could not find occupants, were given last year to some officers of the Royal Air Force. Of course they are not meant for them ; so if there were any immediate difficulty of providing accommodation for the Government officials at Raisina, I submit, Sir, that the Western Hostel and other buildings in Raisina would be quite sufficient for providing accommodation for them, and for this reason also I do not think that there is any urgency to ask this House to make this grant. For these two reasons, Sir, I submit that this grant should not be sanctioned at this stage, and I think it will not be justifiable for the Government at this last stage of this Assembly to ask us to sanction such a grant, because financial questions are really very serious questions. I made a request last year to the Honourable the Finance Member to increase the grants for the Muslim and Hindu Universities by proposing supplementary grants, but the Honourable the Finance Member said that we did not make such grants as supplementary grants and that these things could only be taken up at the Budget time. Well, Sir, if you cannot give money to educational institutes, if you cannot look into the pressing demands of the educational institutes of the country at the time of making supplementary grants, I do not see that there can be any justification to demand money for recreation and for clubs at the time of demanding supplementary grants.

Mr. N. M. Joshi (Nominated : Labour Interests) : For the depressed classes of the Civil Services.

Maulvi Muhammad Yakub : My Honourable friend, Mr. Joshi, holds a brief for the depressed classes, and I am sure he will plead their cause, but as far as I am concerned, I oppose this grant for the reasons mentioned above.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, if the House turns to page 201 of the proceedings of the Standing Finance Committee, they will find that the Club itself while formulating its scheme to Government had two alternative proposals to put forward

[Mr. K. C. Neogy.]

so far as residential accommodation is concerned. In the first, the club stated :

"The Committee understand that the sum of Rs. 1½ lakhs remains to be spent to complete the residential building scheme of the New Capital. Although the proposal at present is to build five bungalows with this sum, the Committee suggest that the money be utilised in constructing 12 quarters at roughly Rs. 12,000 each adjacent to the Club."

Then the next alternative scheme was that this amount might be lent to the Club in order to enable it to build these quarters within the precincts of the Club. What I want to know is why it is that the Government, instead of building these 12 quarters themselves near the Club, acceded to the other alternative course suggested by the Club. I think the Honourable Member in charge of the Department of Labour stated that if the Government were to undertake the construction of these bungalows at their own cost, the return would be less than five per cent. I really do not know, however, what return the Government do get on their present investment in such quarters. The Honourable Member stated that from the business point of view, therefore, this was a more attractive proposal. Sir, I think Government have already spent about 13 crores of rupees on New Delhi, and it seems to me that the Honourable Member is rather straining at a gnat after having swallowed a camel, and that the difference of 1½ per cent. in the return on 1½ lakhs ought not to trouble him very much. Sir, the analogies given by my Honourable friend hardly carry conviction—the analogy for instance of the Railway Club. In the case of Railway institutes, I do not think it is given to members of a railway institute to dictate the size of a ball room or for instance the size of staying-out accommodation. Sir, here we find that these amenities are being provided on a very extravagant scale. And then the Honourable Member also said : "Well, if we have already provided housing accommodation for assistants and officers at a low rate of interest, that also is a justification for us to hold out a helping hand to the Club." Sir, if you have deliberately removed the headquarters of Government from civilized environment to a desert, surely you must find some sort of accommodation for the people whom you carry with you for the purpose of carrying on the administrative work of the Government, but that, Sir, is hardly an analogy.....

The Honourable Sir Bhupendra Nath Mitra : Does not the same analogy apply to the case of a Club for these superior officers ?

Mr. K. C. Neogy : They can provide themselves with these amenities. My Honourable friend, Mr. Rama Aiyangar, has already touched on the question of security. On the point of security I find that the Club itself is very pessimistic about it. At page 200 they say :

"Its assets in regard to the scheme which is visualised are practically negligible."

Sir, that does not seem to be a very tempting proposition for a banker to consider, and I do not know what reasons led my Honourable friend, the Finance Member, to accede to this proposal. Sir, I do not think that we would be at all justified in passing this grant, and I do hope that the Government Members will not vote while this matter is being disposed of by the House.

Maulvi Muhammad Yakub : I want a ruling from the Chair. I want to know, Sir, if this grant can be treated as a supplementary grant or not. I want your ruling, Sir, on this point.

The Honourable Sir Basil Blackett : Perhaps I may deal with that point, Sir. There has been a good deal of prejudice, owing I think to some misconception of what the scheme is, imported into the discussion so far, and I want to bring the House back to the facts. Mr. Neogy asked what induced the Finance Member to agree to this, and my answer is this, financial considerations and the interests of the Indian tax-payer. The question has been considered so far as if we had come to an agreement with the club and as if some arrangement had been made finally which we were now putting before the House. That is not the position. We are still in negotiations with the club. The Standing Finance Committee have slightly modified the terms proposed to be arranged with the club—slightly modified them in favour of the tax-payer—and we still have to find out whether the club will accept these proposals. Now, the position is that we are short of quarters in Delhi. Maulvi Muhammad Yakub compared the conditions of last winter when the Government of India Secretariat was in old Delhi with the unknown conditions of the future when it will be in New Delhi, and the fact that some bungalows and quarters were empty last winter, if it was a fact, has not the slightest bearing on the question of what will be the position next winter. We know quite well that there will be a very severe shortage of quarters. If we cannot make this arrangement with the club we shall have to spend a larger sum than $1\frac{1}{2}$ or $1\frac{3}{4}$ lakhs, something over 2 lakhs at the least, on building quarters on which we shall not get nearly so high a return as we shall be getting on what we lend to the club, because the condition of this arrangement is that the existence of the club will make it certain that the quarters will be filled not only during the winter but to a large extent during the summer also ; and instead of Government getting (for the time being until a final decision has been taken on the point raised by Sir Sivaswamy Aiyer), about 4 or 5 months' rent only on quarters which they have to keep up for the whole year, they will through the club get the full rental on those quarters which will be particularly attractive to people because, being in the neighbourhood of the club, the club will supply them with meals and other amenities. That is assuming the club exists. But the club will not come into existence, the club building will not come into existence in all probability, unless some arrangement of this sort can be made between the authorities of the club and the Government. The club, as Mr. Neogy points out, is not a wealthy one and it is no use its attempting at present to raise the money required to erect the building. Therefore, the Government are faced with the necessity of spending something over 2 lakhs on quarters, instead of lending 5 lakhs which is recoverable and will be getting a much worse return on those 2 lakhs than they will get on the 5 lakhs while they are lending it on interest. The financial arguments are clearly on the side of the Government's proposal.

I now come to the question on which a certain amount of prejudice has been raised, in regard to the nature of this club. I may say that the first time I went into the club was to play tennis with Sir Muhammad Shafi, and it is a club which is open not only to Europeans but to Indians, and not only open to them, but I am informed by the authorities of the

[Sir Basil Blackett.]

club that never on any occasion has it refused an application from an Indian to become a member ; and I go further and say that if this club is to exist in New Delhi, if it is to have an assured future— and the authorities of the club will obviously not make themselves responsible for this Rs. 30,000 a year interest ; unless they have some security for the future—if this club is to come into effective existence and supply a really felt want in New Delhi, it will not only not close its doors to Indians but it will open them very wide, because it is perfectly clear that with the gradual Indianisation of the Secretariat, unless Indians come to this club, this club has no future at all. This club must look forward to doing work such as the Willingdon Club is doing in Bombay and organise games and amusements for the population, mainly the official population, of New Delhi ; and so far therefore from there being any question of non-Indian character about this club, it must essentially be a club for Europeans and Indians alike if it is to have any future at all.

I now come to Maulvi Muhammad Yakub's point. I am very glad to see him stand squarely up for financial probity on this question of supplementary estimates and support the attitude of the Finance Department, which is always that it does not like supplementary estimates, and its first question when a suggestion comes in for new expenditure not provided for in the Budget is : " Why was this not provided in the Budget ? " And its next question is : " Why cannot it be postponed till next year ? " But Mr. Muhammad Yakub has overlooked the fact that there is no proposal here to spend money above what was originally intended. This grant comes before the Assembly not because there will be expenditure in excess of the expenditure provided in the Budget, but because, being of a rather special character, the Finance Department made it a condition of their agreement to the proposal, which I think was within their competence, that it should come before the Assembly and be discussed by the Assembly before effect was given to the proposal, that it is to be fully explained to the Assembly in order that they may have an opportunity of discussing it and it should not be done by the Executive without discussion in the Assembly. It is money that is provided out of Capital and it would not therefore affect the revenue of the year ; and, as I say, it comes before the Assembly not because it involves necessarily any additional expenditure not contemplated at the time of the Budget, but because the Assembly's sanction was thought—I hope the Assembly will agree with me in this—rightly to be desirable before a somewhat unusual arrangement of this sort was entered into by the Government. I hope after that explanation Maulvi Muhammad Yakub will realise that we are fully in agreement with his excellent financial principles in regard to supplementary estimates and will not withdraw his support to the scheme on the ground of financial propriety.

A question has also been asked as to what security we have for this money, in case something goes wrong with the club. Our answer is we have of course a complete mortgage over the club buildings and we are freeholders of the ground.

Sir Hari Singh Gour : Will the building be a Government building ?

The Honourable Sir Basil Blackett : The building will be built probably by Government agency, on account of the club. As I say, we have not entered into the final.....

Sir Hari Singh Gour : I understood the club building itself was a Government building.

The Honourable Sir Basil Blackett : The club building and the quarters will both probably be built by the Government on ground leased from the Government. They will be the property of the club, subject to a mortgage on the whole of the property, and when the club has paid off the loan after 30 years, they will then become the property of the club. But in the meanwhile Government have full security for the money, because they have the ownership of the land and a complete mortgage over the buildings.

Sir Hari Singh Gour : Will Imperial Delhi exist after 30 years ?

The Honourable Sir Basil Blackett : When Sir Hari Singh's grandson is making speeches in the Assembly 30 years hence, possibly some busy Assembly Member will read up the old debates and taunt Sir Hari Singh's grandson with the want of confidence of his grandfather.

Mr K. Rama Aiyangar : May I know if there are any other funds for the club besides what we are going to advance ?

The Honourable Sir Basil Blackett : The club has certain assets which are mentioned at the end of the Standing Finance Committee's Report, but of course it is dependent on its annual subscriptions and on such profits as it can make.

Diwan Bahadur T. Rangachariar : What is the membership now ?

The Honourable Sir Basil Blackett : I do not know the details of the membership ; I am not sure. I think the subscription, which is another question, is Rs. 50 a season.

I am not quite sure of the exact figure. There is no entrance fee.

The Rev. Dr. E. M. Macphail (Madras : European) : Will the Honourable Member explain what the return upon the money will be to the Government ?

The Honourable Sir Basil Blackett : The Government will get after an interval 5 years, during which they will get interest only on the part of the expenditure which is devoted to the buildings of quarters, a return of 5 per cent. interest *plus* 1 per cent. amortization. They will, therefore, be getting a return, assuming that the expenditure is incurred during the current year and the beginning of the next year, at a rather higher rate of interest than they pay for borrowing money in the market. There will be a slight profit for the Government there, but that is not one of the arguments which I would bring forward for voting this proposal. The proposal, as I said, is put before the Assembly as being a means of providing both for the accommodation of Government officials and others and for the amenities of New Delhi at no cost to the Government but, on the whole, at a slight profit. It is put forward as an attractive financial proposition which will meet the convenience of the occupants of New Delhi as well as being thoroughly in the interests of the tax-payer of the country.

Diwan Bahadur T. Bangachariar : May I ask the Honourable the Finance Member whether it would not be an inconvenient precedent ? How does he propose to deal with similar requests ?

The Honourable Sir Basil Blackett : It is brought before the Assembly precisely because it is somewhat unusual. We shall be perfectly willing to consider sympathetically a similar proposal for a club building for the Chelmsford Club, provided equally attractive terms could be offered to the tax-payer. I do not know whether the Madras Government or the Bengal Government contemplate building a new capital. If they do, I think they would probably find that a study of our financial methods in these sort of cases—in some other cases they might not be satisfactory—would redound very much to their advantage.

Mr. S. C. Ghose : I have not yet got the answer to my question. May I know under what rule or regulation the Honourable the Finance Member is moving for this grant ?

The Honourable Sir Basil Blackett : I do not understand the question. The Government of India are said to suffer from code in its head, but I do not know of any code or regulation which refers to this particular case. I hope that we are acting in the interests of the tax-payer. It is perfectly obvious that this expenditure is for the purposes of the Government of India and therefore is not *ultra vires* of the Government of India Act. Beyond that I cannot say. I hope there is no rule or regulation because if anybody has spent his time and energy in drawing up a rule or regulation to cover such an exceptional case, I think he has wasted time.

Mr. President : The question is :

“That a supplementary sum not exceeding Rs. 5,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of ‘Loans and Advances bearing interest’.”

The Assembly divided :

AYES—42.

Abdul Qaiyum, Nawab Sir Sahibzada.

Ajab Khan, Captain.

Akram Hussain, Prince A. M. M.

Allison, Mr. F. W.

Bhore, Mr. J. W.

Blackett, The Honourable Sir Basil.

Bray, Sir Denys.

Burdon, Mr. E.

Clow, Mr. A. G.

Coatman, Mr. J.

Crawford, Colonel J. D.

Dalal, Sardar B. A.

Donovan, Mr. J. T.

Dyer, Mr. J. F.

Gidney, Lieut.-Colonel H. A. J.

Graham, Mr. L.

Haig, Mr. H. G.

Hezlett, Mr. J.

Hira Singh Brar, Sardar Bahadur Captain.

Hudson, Mr. W. F.

Innes, The Honourable Sir Charles.

Jeelani, Haji S. A. K.

Macphail, The Rev. Dr. E. M.

Mahmood Schamnad Sahib Bahadur, Mr.

Makan, Khan Sahib M. E.

Mitra, The Honourable Sir Bhupendra Nath.

Naidu, Rao Bahadur M. C.

Norton, Mr. E. L.

Owens, Lieut.-Col. F. C.

Paddison, Sir George.

Parsons, Mr. A. A. L.

Rahman, Khan Bahadur A.

Raj Narain, Rai Bahadur.

Rau, Mr. B. R.

Roffey, Mr. E. S.

Roy, Mr. K. C.

Roy, Sir Ganen.

Sastri, Diwan Bahadur C. V. V.

Singh, Rai Bahadur S. N.

Sykes, Mr. E. F.

Townsend, Mr. C. A. H.

Willson, Sir Walter.

NOES—16.

Aiyangar, Mr. K. Rama.

Das, Mr. B.

Deshmukh, Mr. R. M.

Ghose, Mr. S. C.

Gour, Sir Hari Singh.

Hussanally, Khan Bahadur W. M.

Ismail Khan, Mr.

Kasturbhai Lalbhai, Mr.

Lohokare, Dr. K. G.

Malaviya, Pandit Madan Mohan.

Murtuza Sahib Bahadur, Maulvi Sayad.

Nehru, Pandit Shamlal.

Neogy, Mr. K. C.

Rangachariar, Diwan Bahadur T.

Talatuley, Mr. S. D.


Yakub, Maulvi Muhammad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 1st September, 1926.

LEGISLATIVE ASSEMBLY.

Wednesday, 1st September, 1926.

 The Assembly met in the Assembly Chamber at Eleven of the Clock. Mr. President in the Chair.

QUESTIONS AND ANSWERS.

ADDITIONAL JUDGES OF THE BOMBAY HIGH COURT.

305. ***Mr. S. C. Ghose** : Will the Government state the names of the persons who acted as Additional Judges of the Bombay High Court during the last five years ?

The Honourable Sir Alexander Muddiman : I would refer the Honourable Member to the Bombay Civil Lists, from which the information can be obtained.

CONSTRUCTION OF RAILWAYS IN SIND.

306. ***Khan Bahadur W. M. Hussanally** : (a) With reference to the statement made by H. E. the Viceroy in his speech on the 17th August to the effect that the Railway Board had decided to add 6,000 miles of railway in India during the next 5 years, will Government please state what mileage thereout will be constructed in the Province of Sind and where ?

(b) Will Sind be connected with Bombay by a direct line ? If not will it be connected with Cawnpore on any other station in Upper India ?

Mr. A. A. L. Parsons : (a) The following railway lines, about 590 miles in the aggregate, are at present under investigation ; and if it is found that they are likely to prove remunerative, their construction will be undertaken :

1. A middle Sind line from Mahrabpur to Nawabshah, with branches.
2. A line from Situ Road to Kambar with, possibly, branches.
3. Dodapur to Jacobabad.
4. Nawabshah to Khadro.
5. Jhol via Pithoro to Jhudo.
6. Bombay-Sind Connection Railway.

(b) An officer is being placed on special duty this cold weather to investigate the prospects of a Bombay-Sind through connection. At the moment there is no prospect of a Karachi-Cawnpore connection proving remunerative.

CUSTOMS' SERVICE ASSOCIATION OF ALL-INDIA AND BURMA.

307. ***Mr. N. M. Joshi** : Are Government aware that the Customs' Service Association of All-India and Burma has on its rolls a large number of Indians and Anglo-Indians ?

Mr. B. Rama Rau : Yes.

DISCONTENT IN THE CUSTOMS' SERVICE AT CALCUTTA.

308. ***Mr. N. M. Joshi** : Is it a fact that there is considerable discontent in the Customs' Service at Calcutta due to unredressed accumulated grievances and the alleged severities on the part of the Collector and the Superintendent, Preventive Service, Calcutta ?

Mr. B. Rama Rau : Beyond the representations made by the Customs Association the Government are not aware of any such discontent.

INFRINGEMENT OF THE GOVERNMENT SERVANTS' CONDUCT RULES BY THE PRESIDENT AND GENERAL SECRETARY OF THE CUSTOMS' SERVICE ASSOCIATION.

309. ***Mr. N. M. Joshi** : (a) Is it a fact that Government have taken objection to the action of the Customs' Service Association in bringing the position to notice in the public Press ?

(b) Is it a fact that Government have brought the Association, as also its President and General Secretary who are not in the active service of Government nor members of the Customs' Service, within the meaning of Rules 17 and 19 of the Government Servants' Conduct Rules ?

(c) If so, will Government be pleased to say what connection there is between the Government Servants' Conduct Rules and the action of the General Secretary, who is not a Government servant, in communicating to the Press the alleged grievances and severities of the Service ?

Mr. B. Rama Rau : (a) and (b). Yes.

(c) The rules apply with exactly the same force to an association composed of Government servants and to Government servants acting as members of an association, as they do to Government servants acting individually. Under Rule 17 of the Government Servants' Conduct Rules, which also governs the provisions of Rule 19, no Government servant can communicate "directly or indirectly" to Government servants belonging to other Departments or to non-official persons or to the Press, any document or any information which has come into his possession in the course of his public duties. The letter was sent to the Press by the Secretary of Customs' Service Association infringing the provisions of the former rule, and this offence was aggravated by the fact that it was written about alleged grievances that had not previously been represented to any higher authority. Moreover, the letter contained an accusation against responsible officers in the Calcutta Custom House which was of a grossly defamatory character.

WITHDRAWAL OF THE OFFICIAL RECOGNITION OF THE CUSTOMS' SERVICE ASSOCIATION.

310. ***Mr. N. M. Joshi** : 1. (a) Is it a fact that the Government have withdrawn official recognition of the Customs' Service Association ?

(b) Is it a fact that the withdrawal is due to particular individuals being the President and the General Secretary ?

(c) Will Government be pleased to explain on what grounds and under what rule they have withdrawn such recognition ?

2. Is it not a fact that Government in the communications (Commerce Department Nos. 120 and 1723, dated the 23rd February and 22nd March 1923, respectively) raised no objection to the holding of office by the present President and the General Secretary of the Association, and undertook not to interfere with the wishes of the members in electing the President and the General Secretary ?

Mr. B. Rama Rau : 1. (a) and (b). Yes.

(c) The recognition rules allow of the presence of outsiders as office holders in associations, but this clearly cannot be taken otherwise than as conditional. If office holders, whether official or non-official, misbehave themselves recognition may be withdrawn. It has, therefore, been impossible in this particular case not to introduce the personal element. The Government are satisfied that the President and the General Secretary of the Association were responsible for the episode that has led to the withdrawal of recognition.

2. Yes ; but as explained above, the recognition was conditional, and under the Articles of Association, the Government have full power to object to the presence of any particular person, whether official or non-official, on the Central Committee of the Association.

INQUIRY INTO THE GRIEVANCES PUT FORWARD BY THE CUSTOMS' SERVICE ASSOCIATION.

311. ***Mr. N. M. Joshi :** Do Government propose to consider the advisability of making a thorough and independent enquiry into the grievances put forward by the Customs' Service Association ?

Mr. B. Rama Rau : No.

Diwan Bahadur T. Rangachariar : May I ask whether this action of Government does not restrict the liberty of members to choose their own President and Secretary ?

Mr. B. Rama Rau : To a certain extent it does.

Diwan Bahadur T. Rangachariar : Do the Government think it consistent with the interests of this Association that they should so interfere ?

Mr. B. Rama Rau : That is a matter of opinion.

Lt.-Col. H. A. J. Gidney : Will the Honourable Member kindly tell me whether in the action that has been taken by Government the initiative came from the Government Servants' Conduct Rules or the recognition rules ?

Mr. B. Rama Rau : I must ask for notice. Sir.

ORGANIZATIONS FOR THE SUPPLY OF METEOROLOGICAL INFORMATION IN INDIA.

312. ***Mr. K. G. Neogy :** (a) Is it a fact that there are at present two separate organizations for the supply of meteorological information in India ?

(a) If the reply to the above be in the affirmative, will Government be pleased to state the reasons?

The Honourable Sir Bhupendra Nath Mitra : (a) There is to all intents and purposes a single organisation subject to the qualifications that the two meteorological officers at Peshawar and Quetta hold commissions in the Royal Air Force and are paid from Army estimates. For disciplinary purposes they come under the Headquarters Royal Air Force, but for meteorological work they are with the Meteorological Department.

(b) This arrangement was the best that could be devised for rendering improved weather service to the Royal Air Force.

INDIAN METEOROLOGISTS OF THE INDIAN METEOROLOGICAL DEPARTMENTS AND EUROPEAN METEOROLOGISTS ATTACHED TO THE ROYAL AIR FORCE.

313 ***Mr. K. C. Neogy :** Will Government be pleased to lay a statement on the table of this House giving the names, degrees, experience and pay of the Indian personnel of the Indian Meteorological Department and those of the European meteorological officers employed under the Royal Air Force?

The Honourable Sir Bhupendra Nath Mitra : A statement giving the required information is laid on the table.

Indian Meteorologists of the Indian Meteorological Departments and European Meteorologists attached to the Royal Air Force.

Name.	Degrees.	Experience.	Pay.
<i>Indians.</i>			
1. S. K. Banerji	M.Sc., D.Sc.	1915 Premchand Raychand Scholar .. 1916 to 1918 Assistant Professor of Applied Mathematics, Calcutta University. 1918 to 1922 Sir Rashbehari Ghose Professor of Applied Mathematics, Calcutta University, Secretary, Calcutta Mathematical Society, and Editor of its Journal, Physical Science Secretary, Asiatic Society, of Bengal. Since 1922. Service in the Meteorological Department.	Rs. 800
2. G. Chatterjee	M.Sc.	1921. Research Scholar, Presidency College, Calcutta. Scientific Assistant, Agra Aerological Observatory. Since 1922. Service in the Department	600
3. V. V. Sohoni	B.A., B.Sc.	1921. Demonstrator, Wilson College, Bombay Since 1922. Service in the Department	600
4. B. N. Banerji	M.Sc., Ph.D.	1919. Assistant to Palit Professor of Physics, Calcutta University. 1920. Assistant Professor of Physics, Calcutta University. 1920 to 1922. Government of India State Scholar, Cambridge University. Since 1923. Service in the Department	600
5. S. N. Sen	M.Sc., Ph.D.	1917. Attached to the staff of the Caledonian Railway Company, (Surveying, Levelling, etc). 1918. Salaried research student in Physics in the College of Technology, Manchester.	600

In the time scale of Rs. 400—50—1,250.

Name.	Degrees.	Experience.	Pay.
5. S. N. Sen— <i>contd.</i>	M. Sc., Ph. D.	1918 } to } Senior Professional Assistant, Meteorological Office, London. 1925 } Since 1925. Service in the Department	Ra. } 600 } In the time scale of Ra. 400-500-1,200.
6. K. R. Ram-nathan.	M.A., D.Sc.	1914 } Demonstrator of Physics, Maharaja's College, Trivandrum, and Director of Trivandrum Observatory. 1921 } 1922 } to } Burma Educational Service 1925 } Since 1925. Service in the Department	
<i>European Meteorological Officers employed under the Royal Air Force.</i>			
1. R. G. Veryard	B.Sc.	1920 } Technical Assistant, Army Services, 1921 } Shoburness, under Meteorological Office, London. 1924 } Junior Professional Assistant, Instruments Division, Meteorological Office, London.	1,000 } 1,000 } Temporary fixed pay.
2. R. P. Batty	B.A.	1919 } Member of the Office Staff employed in Meteorological Section R.E., Meteorological Office, London. 1920 } Professional Assistant, Army Services, West Livingston, under Meteorological Office, London. 1921 } Senior Professional Assistant, Distributive Station, Calshot, under Meteorological Office, London. 1922 } 1923 } Senior Professional Assistant, Army Service, Station, Lurkhill, under Meteorological Office, London. 1924 } 1925 }	

EUROPEAN METEOROLOGISTS ATTACHED TO THE ROYAL AIR FORCE, ETC.

314. *Mr. K. O. Neogy : (a) Is it a fact that European meteorologists are appointed by the Royal Air Force at a much higher rate of pay in preference to qualified Indians ? If so, why so ?

(b) Do Government propose to appoint European officers for the Civil Airship Scheme ? If so, will Government be pleased to state the reasons for departing from their declared policy of Indianisation ?

The Honourable Sir Bhupendra Nath Mitra : (a) The meteorologists employed for the supply of weather information to the Royal Air Force belong to the British Meteorological Service and are on a normal tour of service in India for five years. They hold *pro forma* commissions in the Royal Air Force and their pay is debitable to the Army estimates. The question of their employment in preference to Indians does not therefore arise.

(b) The scheme for the supply of meteorological information in connection with the proposed airship service to India is still under the consideration of the Government of India and no decision has yet been arrived at with regard to the recruitment of the necessary staff.

Mr. K. O. Neogy : Do I take it that the Honourable Member has nothing to do with the fixing of the scales of salary admissible to these European meteorologists ?

The Honourable Sir Bhupendra Nath Mitra : As I have said, they are on a tour of service and their rates of pay are based on their English rates of pay.

APPOINTMENT OF A MUSLIM OFFICER IN THE LEGISLATIVE DEPARTMENT IN CONNECTION WITH THE REVISION OF THE INDIAN CONTRACT ACT.

315. *Mr. K. Ahmed : (a) Are Government aware that during the last session at Delhi the Honourable the Home Member promised to make a selection from amongst suitable Muslims for appointment in the Legislative Department in reply to questions put by Khan Bahadur Alimuzzaman Chaudhry, M.L.A. ?

(b) Do Government propose to appoint a Muslim as an officer in the Legislative Department in connection with the revision of the Indian Contract Act ?

Mr. L. Graham : (a) It is presumed that the Honourable Member is referring to the answers given by the Honourable the Home Member to certain questions put by Khan Bahadur Alimuzzaman Chaudhry on the 2nd February of this year. I have read those answers and I do not find that they contain any promise of the kind stated in the question.

(b) The reply is in the negative.

Mr. K. Ahmed : Do Government realise that in reply to a question by Khan Bahadur Alimuzzaman Chaudhry, the Honourable the Home Member said that when a vacancy arises in the Department, it will be given to a Muslim ?

The Honourable Sir Alexander Muddiman : The Honourable the Home Member never said anything of the sort.

Mr. K. Ahmed : May I, with your permission, Sir, refer the Honourable Member to the answer given by him to question 584 (c) on the 2nd February last ?

SCHEME FOR THE RECRUITMENT IN INDIA OF OFFICERS IN THE TRAFFIC AND OTHER DEPARTMENTS OF STATE RAILWAYS.

316. *Mr. K. C. Neogy : With reference to the scheme for the recruitment in India of officers in the Traffic and other Departments of State Railways, recently sanctioned by the Secretary of State, will Government be pleased to state :

(a) whether any alterations have been made by the Secretary of State in the details of the scheme as discussed and approved by the Central Railway Advisory Council; if so, in what particulars ;

(b) whether and when the scheme as finally sanctioned is to be published ?

The Honourable Sir Charles Innes : The regulations have already been published. The general scheme was discussed twice with the Central Advisory Council and was modified in the light of their criticisms. The scheme was then submitted to the Secretary of State and received his general approval.

Mr. K. O. Neogy : I wanted to know whether there has been any change in the scheme as approved by the Central Advisory Council ?

The Honourable Sir Charles Innes : The Honourable Member may take it from me that there has been no material change of any kind at all in the scheme.

RECRUITMENT AS ASSISTANT TRAFFIC SUPERINTENDENTS OF RAILWAYS OF INDIAN CANDIDATES WITH ENGLISH TRAINING.

317. *Mr. K. O. Neogy : (a) With reference to the class of candidates for appointment as Assistant Traffic Superintendents, mentioned in starred question No. 1374 of the 24th March 1926, will Government be pleased to state the circumstances in which they came to obtain their training in England under apprenticeships arranged for them by the High Commissioner ?

(b) Did the High Commissioner, or the Secretary of State, ever consult the Railways in India as to the chances of employment of these persons on the completion of their apprenticeships ? If so, will Government place on the table full correspondence on the subject ?

(c) How many Indians with training in England have so far been employed in the Superior Traffic Service of the State Railways ? Is it a fact that persons with such training have in the past been preferred to Indians without any training, and employed on State Railways ?

(d) Are Government aware of the number of persons with such training who have come out to India during the last three or four years, and have not succeeded in obtaining employment ?

(e) What steps, if any, do Government propose to take to help these persons to obtain employment in the Indian Railways ?

The Honourable Sir Charles Innes : (a) Government have no definite information, but it is understood that candidates made their arrangements for training through the High Commissioner either directly or through the Local Advisory Committees of Provincial Governments.

(b) The Railway Department was not consulted when these arrangements were made and presumably the students applied for such training on their own initiative. In September 1923 when the present scheme for the recruitment of officers to the Transportation (Traffic) and Commercial Departments was under consideration the position with regard to the Indians under training in England was brought to the notice of the Railway Department by the High Commissioner. At that time it was not possible to anticipate the form the recruitment scheme would eventually take. In order, however, to give English trained students an opportunity of competing for appointments in these departments provision has been made in the regulations to allow students with at least two years' railway training to apply for permission to compete this year and next year. Government do not consider any useful purpose would be served by placing the correspondence with the High Commissioner on the table.

(c) Of the traffic and commercial officers already in service five Indians had previous training in England. The system of recruitment in the past was by selection and candidates were selected on their general

qualifications including previous railway training if any. But English railway training *per se* did not automatically give a man preference over others.

(d) Government understand that there are many such persons but are not aware of the exact number.

(e) The names of such men as have applied for appointment have been brought to the notice of Company-managed Railways. The Honourable Member is also referred to my reply to part (c) of his question.

CONSTRUCTION OF A POWER HOUSE STATION AT KALYAN.

318. *Mr. Kasturbhai Lalbhai : 1. Will the Government be pleased to state :

(a) whether the scheme for constructing a power house station at Kalyan was placed before the Standing Finance Committee for Railways ?

(b) whether the said Committee gave its approval and if so on what date ?

(c) whether it is true that the consideration of the question was postponed twice, once in September 1925 and again on 19th February 1926 by the Standing Finance Committee for Railways, pending the investigation by the Railway Board of the Tata Hydro Schemes ?

(d) if not what are the facts ?

2. Will Government be pleased to state if the demand for Rs. 20,00,000 for proceeding with the scheme was included in the Railway Budget for 1926-27 without the previous sanction of the Standing Finance Committee for Railways ? If so, why ?

Mr. A. A. L. Parsons : 1. (a) Yes.

(b) The Committee neither approved nor objected to the scheme, but a majority of the Committee made the following recommendation at the meeting of the 11th September 1925 :

"This Committee recommends that the proposal for giving a loan of one crore to Tata Company might be further considered and investigated particularly because this company is a public utility company and that in the meantime this question might be postponed for six months and negotiations carried on with Tata."

(c) and (d). The recommendations of the Committee of the 11th September have already been referred to. A secret memorandum prepared by the Financial Commissioner, Railways, was discussed by the members of the Committee at a meeting held on the 19th February 1926 when the Committee were informed that the Government of India had decided to proceed with the scheme for the construction of a power house by the Railway.

2. A demand for Rs. 20,59,000 for expenditure during 1926-27 was included in the Budget which was prepared in January 1926. The demand was approved by the Standing Finance Committee for Railways at a meeting held on the 19th January 1926—*vide* page 27 of the Proceedings of the Committee, Vol. II, No. 6, and it was also voted by the Assembly.

Mr. Kasturbhai Lalbhai : Is it a fact that Government promised to investigate into Tata's Hydro-Electric Scheme and then to decide whether they would have the electric power from them or from their own power house, and what are the reasons for backing out of that promise ?

The Honourable Sir Charles Innes : I understand the Honourable Member refers to the technical investigation of the strength of the Tata dams.

Mr. Kasturbhai Lalbhai : Yes.

The Honourable Sir Charles Innes : We did not consider it necessary to make that technical investigation.

Dr. K. G. Lohokare : May I know if this construction has been taken in hand now at Kalyan ?

Mr. A. A. L. Parsons : I think so, Sir.

RECRUITMENT OF MORE MUSLIMS TO THE SUBORDINATE RAILWAY ACCOUNTS SERVICE.

319. *Khan Bahadur Haji Wajihuddin : (a) What is the total number of accountants in the Subordinate Railway Accounts Service ? How many of them are Hindus, Mussalmans and Christians ?

(b) Is it a fact that there is not a single Muslim accountant employed in the office of the Accountant General, Railways, Simla ?

(c) What is the total strength of the office of Accountant General, Railways, Simla, and how many of them are Muslims ?

(d) What was the total number of Muslim applicants for the competitive examination of the Subordinate Railway Accounts Service in 1924, 1925 and what is the number this year ?

(e) How many candidates were selected in 1924 and 1925, and how many of them were Muslims ?

(f) In view of the number of Muslim accountants and having regard to the Home Department Memorandum No. F-176/25-Ests., dated the 5th February 1926, do the Government propose to recruit more Muham-madans in the future ?

Mr. B. Rama Rau : The information is being collected and will be supplied to the Honourable Member in due course.

WORK DONE BY THE RAILWAY RATES ADVISORY COMMITTEE.

320. *Mr. Kasturbhai Lalbhai : (a) Will the Government be pleased to state when the Railway Rates Advisory Committee began its work ?

(b) How many applications regarding rates were sent to the Railway Board since then ?

(c) How many were forwarded to the Railway Rates Advisory Committee for disposal ?

(d) How many of such cases have been disposed of by the Railway Rates Advisory Committee up to now ?

Mr. A. A. L. Parsons : (a) On the 1st May 1926.

(b), (c) and (d). So far the Railway Board have received only one application which is under their consideration.

RESIDENCE IN BRITISH INDIA OF EUROPEAN MEMBERS OF THE VARIOUS SERVICES AFTER RETIREMENT.

321 *Khan Bahadur W. M. Hussanally : (a) Was it ever the policy of the Government of India that European members of the various services, especially the Indian Civil Service, should not reside in British India after retirement except by special permission of the Government ?

(b) If so were there any rules on the subject promulgated ? If yes, will Government please place the same on the table ?

(c) Has there been any change in the policy of Government in the matter ? If so, since when and for what reasons ?

The Honourable Sir Alexander Muddiman : (a) The answer is in the negative.

(b) and (c). Do not arise.

UNSTARRED QUESTIONS AND ANSWERS.

LEAVE RULES IN FORCE ON THE EAST INDIAN RAILWAY.

141. Lieut.-Colonel H. A. J. Gidney : (a) Is it a fact that for subordinate employees on the East Indian Railway three sets of leave rules are in force :

(i) for Europeans ;

(ii) for Anglo-Indians and

(iii) for Indians ?

(b) Is it a fact that in the category of Europeans are included covenanted men, domiciled Europeans and non-domiciled Europeans enlisted in India and fair complexioned Anglo-Indians ?

(c) Is it a fact that there are instances on the East Indian Railway in which one brother, the fairer member of an Anglo-Indian family, is included in the European leave rules whilst the darker brother is included in the Anglo-Indian leave rules ?

(d) Is it a fact that the decision as to whether an employee is included in the European or Anglo-Indian leave rules depends on the opinion of the medical officers ? If so, will the Railway Board be pleased to state in what medical institution in Europe or India their medical officers have acquired the power of differentiating between Europeans and Anglo-Indians ?

(e) Are Government aware of the fact that discontent and dissatisfaction exist amongst the subordinate employees on the East Indian Railway on account of this distinction in leave rules, especially since the East Indian Railway has become a State Railway ?

(f) Will the Government be pleased to state whether similar leave distinctions are to be found in any other Government subordinate service ?

If not, do Government propose to assure this House that these distinctions will be discontinued on the East Indian Railway ?

Mr. A. A. L. Parsons : (a) No. There are two sets of leave rules, European leave rules and non-European leave rules.

(b) European subordinates whether appointed in England or in India obtain leave under the European leave rules; it is possibly to this that the Honourable Member refers.

(c) Government have no information.

(d) Government have no information, but think it most unlikely that the Honourable Member's suggestion has any foundation in fact.

(e) No.

(f) Government are not prepared to admit that any pigmentary distinctions are drawn between different members of the Anglo-Indian community employed on the East Indian Railway.

REPLACEMENT OF EUROPEAN AND ANGLO-INDIAN STATION MASTERS AND ASSISTANT STATION MASTERS BY INDIANS ON THE EAST INDIAN RAILWAY.

142. Lieut.-Colonel H. A. J. Gidney : Will the Government be pleased to state whether it is a fact that some European and Anglo-Indian station masters and assistant station masters on the East Indian Railway have been relieved of their positions and that Indians, many years junior to them and less experienced, have replaced them ? If so, will Government be pleased to state whether they intend to give effect to the repeated assurances given to the community that their economic interests on the Railways will not be prejudiced by any scheme of Indianisation ?

The Honourable Sir Charles Innes : Government have no reason to believe that there is any truth in the vague allegations of the Honourable Member.

ACCEPTANCE OF THE SENIOR CAMBRIDGE EXAMINATION AS A QUALIFICATION FOR ADMISSION INTO THE SUPERIOR SERVICES IN THE RAILWAYS.

143. Lieut.-Colonel H. A. J. Gidney : With regard to the Government's recent communiqué in connection with the competitive examinations in India for Superior Services in the Railways, will Government state whether they propose to accept the Senior Cambridge examination as qualifying for these examinations as has been accepted for the Imperial Police Service examination and by the Railway Board for the recruitment for the Mechanical Engineering and Transportation (Power) departmental examinations ? If not, are Government aware of the fact that the domiciled community, whose educational curriculum is different to that of the Indian, will stand very little chance of securing any of these appointments ?

The Honourable Sir Charles Innes : The Senior Cambridge examination is not accepted as a qualification for admission into the Indian Railway Service of Engineers for obvious reasons. As regards the Transportation (Traffic) and Commercial Departments, a comparatively high general educational qualification in candidates is essential to turn

them into efficient officers. Government have prescribed the qualifications after the fullest consideration and do not propose to lower them.

Young men of the domiciled community can and do obtain degrees of Indian Universities after passing the Senior Cambridge Examination, and there is nothing to prevent them from securing appointments in these services if they obtain the requisite degrees or other qualifications.

INCLUSION OF PHYSICS AND CHEMISTRY AS COMPULSORY SUBJECTS FOR CANDIDATES SEEKING ADMISSION INTO THE I. M. D.

144. Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member be pleased to state whether it is a fact that a knowledge of Physics and Chemistry is now considered compulsory in addition to the Senior Cambridge qualification for candidates who seek admission into the I. M. D. ? If so, are Government aware of the fact that these subjects do not form part of the curriculum for the Senior Cambridge examination and are not taught, except in very few of the European schools ?

Mr. E. Burdon : A knowledge of Physics and Chemistry is necessary in order to obtain entrance to the various medical colleges. Both Physics and Chemistry are among the subjects prescribed for the Cambridge School Certificate examination and the Government understand that a very large proportion of the European boys' schools which prepare candidates for this examination teach these subjects.

PAY OF THE INDIAN MEDICAL DEPARTMENT.

145. Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member be pleased to state whether the present rates of pay for the I. M. D. are less than that of the other Departments (Indians and British) I. A. S. C., I. A. O. C., R. A. M. C. (Ranks), M. E. S., R. C. of Clerks ? If so, do Government propose to inquire into the matter and bring them on an equality with other Departments ?

Mr. E. Burdon : In some cases the total emoluments of assistant surgeons are less than those of officers of certain of the other departments mentioned. Conditions of recruitment and service also differ. The Indian Medical Department is, however, being subjected at the present moment to a general review in connexion with certain issues raised by the Anglo-Indian deputation which waited upon the Secretary of State last year and in that review, the question of remuneration will not be overlooked.

FURLOUGH AND SICK LEAVE PAY OF MEMBERS OF THE INDIAN MEDICAL DEPARTMENT.

146. Lieut.-Colonel H. A. J. Gidney : Will Government be pleased to state if it is a fact that furlough pay to members of the I. M. D. is paid at sterling rates, convertible into current rates of exchange, and that when a member of this Department is compelled to go on sick leave and goes on furlough, he can only do so at great financial loss ? Is it a fact that the majority of the members of this Department have an Indian domicile and, as a rule, take their furlough in India ? If so, do Government propose to fix their furlough and sick leave pay at Indian rates ?

Mr. E. Burdon : I will have the proposition of my Honourable friend carefully examined and will let him know the result in due course.

GRANT OF COMMISSIONS TO MEMBERS OF THE INDIAN MEDICAL DEPARTMENT.

147. Lieut.-Colonel H. A. J. Gidney : Is it a fact that great differences exist to-day in the three major provinces of India in regard to length of service in the granting of commissions to the I. M. D. ? If so, does the Honourable Member propose to consider the introduction of a scheme by which commissioned ranks will be given by a time scale and not by a percentage, worked out on the strength of the Department ?

Mr. E. Burdon : The answer to the first part of the Honourable Member's question is that the procedure regulating promotions in the establishments in the three Presidencies is identical. Promotion depends on vacancies, and may occasionally be either accelerated or delayed.

As regards the second part, the question of time-scale promotion to and in the commissioned ranks will be examined.

ACTION OF THE INCOME-TAX DEPARTMENT AT MEERUT IN ASSESSING AS SALARY THE VALUE OF FREE QUARTERS GRANTED TO ASSISTANT SURGEONS OF THE INDIAN MEDICAL DEPARTMENT.

148. Lieut.-Colonel H. A. J. Gidney : (a) Will the Honourable Member be pleased to state if free quarters as supplied to I. M. D. in military employ is a "privilege" or an "entitlement" ? If the latter will the Government state why the Income-tax Department at Meerut is adding "House-rent" to the salaries of those I. M. D. members whose incomes are below Rs. 5,000 per mensem so as to raise it to that level and, thereafter, charging an income-tax of six pies per rupee instead of, as they are paying now, five pies per rupee ?

(b) If this is irregular do Government propose to issue necessary orders to the Income-tax Department at once ?

Mr. E. Burdon : Assistant Surgeons of the Indian Medical Department are entitled to free quarters, but in accordance with Section 7 of the Indian Income-tax Act the value of free quarters is taxable as "salary". The action of the Income-tax Department at Meerut is therefore in accordance with the law, and part (b) of the Honourable Member's question accordingly does not arise.

RECRUITMENT TO THE ENGINEERING BRANCH OF THE TELEGRAPH DEPARTMENT.

149. Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member be pleased to state if

(a) the usual method of recruitment to the Engineering Branch of the Telegraph Department is from telegraphists of at least four years service, and

(b) after three years temporary service as Engineering Supervisors these men are appointed permanent Engineering Supervisors and have then to pass a special examination for promotion beyond the stage of Rs. 250 per mensem when they

are eligible for a nine months' course of training at the end of which they are considered qualified Deputy Assistant Engineers and receive promotion to that grade on vacancies occurring ?

Sir Ganen Roy : (a) The old method of recruitment of Engineering Supervisors is from telegraphists of not less than $4\frac{1}{2}$ years' service.

(b) Yes. But only those supervisors who are found suitable in all respects are selected for training for appointment as Deputy Assistant Engineer.

PROMOTION, AFTER TRAINING, OF JUNIOR TELEGRAPHISTS TO THE ENGINEERING BRANCH OF THE TELEGRAPH DEPARTMENT.

150. Lieut.-Colonel H. A. J. Gidney : (a) Is it a fact that in 1920 the Government of India introduced a scheme of $2\frac{1}{2}$ years' training in the Sibpur College, Calcutta, and the Telegraph Store Yard, Alipore, for junior telegraphists having between six months and one year's service in the Department, the men so trained to be appointed first as permanent Engineering Supervisors and on passing a minor departmental test, but not before five years, and that after completing the $2\frac{1}{2}$ years' course they are then considered qualified Deputy Assistant Engineers, awaiting promotion to that grade on vacancies occurring ?

(b) Is it a fact that 38 men went through this training of $2\frac{1}{2}$ years in three batches commencing November 1920, 1921 and 1922 and finishing in January 1924, 1925 and 1926, respectively, and that a considerable sum of money was expended on this training ?

(c) Is it a fact that, by having to wait five years, i.e., till 1929, before passing the departmental test already mentioned, these trained men of the first batch will have to wait, according to vacancies on retirements of men in the senior grades, till 1941, a period of 17 years, before receiving their first promotion ?

(d) If so, does Honourable Member propose to recommend the reduction of this period of five years to three years and thus slightly accelerate the promotion of these trained men, who will even then not receive their promotion till about 1935, and thereby relieve what appears to be a reasonable hardship ?

Sir Ganen Roy : (a) Yes. This is according to the new method of training of Engineering Supervisors.

(b) Yes. But the number of men passed out was 34 and not 38.

(c) Yes, but their promotion may be accelerated in case additional staff is required.

(d) The matter is under consideration.

PROVISION OF SUITABLE SANITARY ARRANGEMENTS FOR EUROPEANS AND ANGLO-INDIANS IN INTERMEDIATE CLASS RAILWAY CARRIAGES.

151. Lieut.-Colonel H. A. J. Gidney : (a) Is the Honourable Member aware of the fact that the deprivation of reserved intermediate railway accommodation for Europeans and Anglo-Indians is causing some considerable inconvenience and irritation to both Indian and Anglo-Indian

travellers and that no suitable sanitary arrangements are provided for European and Anglo-Indian travellers in these carriages ?

(b) Do Government propose to reconsider this matter and provide suitable sanitary arrangements for European and Anglo-Indian travellers in such carriages ?

Mr. A. A. L. Parsons : (a) No. The sanitary arrangements provided in intermediate class carriages are usually of the type suitable for the bulk of intermediate class passengers.

(b) Government are not prepared to reconsider the question of specially reserving intermediate class carriages for Europeans.

CATEGORY IN WHICH ANGLO-INDIANS ARE INCLUDED IN REPLYING TO QUESTIONS WITH REFERENCE TO HINDU AND MUHAMMADAN PERCENTAGES IN VARIOUS APPOINTMENTS.

152. Lieut.-Colonel H. A. J. Gidney : When replying to the various questions asked in this Honourable House, with reference to Hindu and Muhammadan percentages in various appointments, are Anglo-Indians, who are statutory natives of India, included ? If so, in which category ?

The Honourable Sir Alexander Muddiman : Statistics relating to Hindus and Muhammadans are confined to those communities only. Anglo-Indians are included in neither category.

GRANT OF MARRIAGE ALLOWANCE TO MILITARY ASSISTANT SURGEONS.

153. Lieut.-Colonel H. A. J. Gidney : (a) Will the Honourable Member be pleased to state if any decision has been arrived at regarding the grant of marriage allowance to military assistant surgeons ?

(b) Is it a fact that this allowance is to-day granted to all other Departmental and warrant officers as also to Officers promoted from the ranks ?

Mr. E. Burdon : (a) and (b). The attention of the Honourable Member is invited to the reply which I gave on the 24th March 1924 to his starred question No. 960. No further decision has been arrived at.

I may observe with reference to part (b) of the Honourable Member's question, that departmental officers are not eligible for the grant of marriage allowance, and it is only junior married officers of the British Service promoted from the ranks who are eligible, and then only if they were married when commissioned.

PASSAGE CONCESSIONS ADMISSIBLE TO MEMBERS OF THE INDIAN MEDICAL DEPARTMENT.

154. Lieut.-Colonel H. A. J. Gidney : Is it a fact that non-Asiatic members of the Indian Medical Department get free passages every five years, and that this privilege is denied to Asiatic-domiciled members ? If so, does the Honourable Member propose to consider the grant of a free passage by rail or the use of Form E. or some railway concessions, as are given to other Departments, to these members when they proceed on leave in India to their homes ? Is it a fact that their homes at times are situated 1,000 miles away from their stations of duty and that leave at present

can only be undertaken at prohibitive expense and by getting into debt ? Is it a fact that members of the I. M. D. formerly enjoyed a British warrant officer's concession ticket on Railways and that this concession has since been withdrawn ?

Mr. E. Burdon : Members of the Indian Medical Department enjoy the same privileges as members of the other departments and a statement is laid on the table specifying the concessions admissible. The Honourable Member will see from this statement that one leave concession passage is granted during the commissioned service of an officer and one similar passage after every six years' service in India in the case of warrant officers of the Indian Medical Department with a non-Asiatic domicile.

As regards the second part of the question, no other department receives such concessions and Government do not, therefore, propose to consider the suggestion made by the Honourable Member. The use of Form "E" by officers and warrant officers of departments, when travelling at their own expense, is and always has been prohibited.

The Government are not in a position to say whether the facts are as stated in the third part of the Honourable Member's question.

As regards the last part, the answer is in the negative.

Statement showing the Passage Concessions admissible to members of the Indian Medical Department.

A. Non-Asiatic Domicile—

(i) Commissioned Officers.

One leave concession passage during commissioned service.

Passages when invalidated by a Medical Board.

Final Passage on retirement.

(ii) Warrant Officers.

A leave concession passage after every 6 years' service in India.

Passages when invalidated by a Medical Board.

Final passages on retirement.

N.B.—The above are now ineligible for indulgence passages.

B. Asiatic Domicile—

(i) Commissioned Officers.

Passages when invalidated by a Medical Board.

Final passage on retirement.

(ii) Warrant Officers.

Passages when invalidated by a Medical Board.

Final passage on retirement.

N.B.—The above are still eligible for indulgence passages.

SUPPLY OF FREE LIGHTS AND FANS IN QUARTERS OCCUPIED BY MEMBERS OF THE INDIAN MEDICAL DEPARTMENT.

155. Lieut.-Colonel H. A. J. Gidney : Is it a fact that free lights and fans are allowed to the quarters occupied by many departmental warrant and commissioned officers ? If so, does Honourable Member propose to grant a similar privilege to the I. M. D. ?

Mr. E. Burdon : Free fans and free lighting are not supplied in quarters occupied by any departmental officers and warrant officers on consolidated rates of pay.

GRANT OF FREE CONVEYANCE TO AND ACCOMMODATION AT HILL STATIONS TO THE FAMILIES OF MEMBERS OF THE INDIAN MEDICAL DEPARTMENT.

156. Lieut.-Colonel H. A. J. Gidney : Is it a fact that free quarters in and travelling allowance to hill stations are granted to the families of all other Military Departments except the I. M. D. ? If so, do Government propose to extend this concession to the families of I. M. D. ?

Mr. E. Burdon : The families of members of the Indian Medical Department are eligible for free conveyance to and accommodation at hill stations, to the same extent as the families of members of the other Departments of the Army in India. No unit or department has any claim on Government in this respect. The allotment and distribution of such Government quarters as exist in hill stations are in the hands of the General Officers Commanding-in-Chief, who, no doubt, are influenced by medical recommendations and the extent of accommodation available.

GRANTS-IN-AID FOR THE EDUCATION OF THE CHILDREN OF MEMBERS OF THE INDIAN MEDICAL DEPARTMENT.

157. Lieut.-Colonel H. A. J. Gidney : Is it a fact that an education grant is given for the children of all other Departments except the I. M. D. ? Does the Honourable Member propose to recommend a similar grant to the children of the members of the I. M. D. who are European British subjects ?

Mr. E. Burdon : Grants-in-aid for the education of children are given, in deserving cases, to warrant and non-commissioned officers of the India Unattached List and civilian mechanics of the Indian Ordnance Department.

The question of allowing assistant surgeons of the Indian Medical Department in military employ to participate in any educational facilities or monetary grants which may be provided for men of the India Unattached List is under consideration.

INADEQUACY OF THE FAMILY PENSIONS OF WIDOWS OF MEMBERS OF THE INDIAN MEDICAL DEPARTMENT.

158. Lieut.-Colonel H. A. J. Gidney : (a) Will Government be pleased to state what allowance or pension per mensem is given to the widows of warrant and commissioned officers of the I. M. D. ?

(b) What is the pension given to the widows of other departmental warrant and commissioned officers ?

(c) Are Government aware that the allowance at present given to these widows is less than what some railway porters earn monthly and that many of these ladies end their days in alms houses and charitable houses and are in receipt of unemployment doles ?

(d) Do Government propose to recommend a higher rate of pension to these widows as also educational concessions for their children ?

(e) If not, do Government propose to consider favourably the introduction of a family pension fund in the I. M. D. at a very early date and so relieve what to-day constitutes in the case of these widows a grave economic distress, amounting almost to penury ?

Mr. E. Burdon : (a) and (b). The rates of family pensions admissible to widows of departmental officers and warrant officers including members of the Indian Medical Department are laid down in paragraph 530 *et seq* and paragraph 558 *et seq* of the Pay and Allowance Regulations of the Army in India, Part II. as corrected by the July Appendix to India Army Orders, 1925. A copy of these Regulations will be found in the Library.

The rates in the Indian Medical Department are the same as in other Departments.

(c) No, Sir.

(d) Government do not propose to recommend any increase of pension. The question of granting educational assistance forms the subject of another question from the Honourable Member which I am answering separately.

(e) The institution of a family pension fund is not considered practicable.

REVISION OF THE PENSION RULES FOR MEMBERS OF THE INDIAN MEDICAL DEPARTMENT.

159. **Lieut.-Colonel H. A. J. Gidney :** Will Government be pleased to state if the new pension rules for the I. M. D. are still under consideration and when they will be published ?

Mr. E. Burdon : The question of revising the pension rules for members of the Indian Medical Department is still under consideration and I am not in a position to say when a decision is likely to be reached.

STUDY LEAVE ALLOWANCE OF MEMBERS OF THE INDIAN MEDICAL DEPARTMENT.

160. **Lieut.-Colonel H. A. J. Gidney :** Is it a fact that civil assistant surgeons receive 12 shillings a day as study leave allowance while military assistant surgeons get only 4 shillings a day ? If so, do Government propose to equalise this allowance or, at least, improve it ?

Mr. E. Burdon : The answer is in the affirmative so far as civil assistant surgeons on leave in the United Kingdom are concerned. As regards military assistant surgeons, their study leave allowance has only very recently been raised to 7s. 6d. *per diem* and Government do not propose any further increase.

ENLISTMENT OF ANGLO-INDIANS IN THE ARMY.

161. **Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member be pleased to state if the Government has arrived at a decision in regard to the formation of an Anglo-Indian Unit, Battery or Corps, and is it the desire of Government to offer enlistment to the Domiciled Community into the regular forces of His Majesty's Army ?

Mr. E. Burdon : These matters are under the consideration of the Government of India.

ASSAULT ON A TONGA DRIVER BY THE OFFICER IN CHARGE OF THE ANTIQUITIES AND BUILDINGS EXCAVATED AT MOHENJODARO.

162. Khan Bahadur Haji Wajihuddin : (1) Will Government be pleased to state the name, experience and duties of the officer or officers who are at present in charge of the excavation area at Mohenjodaro in Sind ?

(2) Are Government aware that quite lately some young official at Mohenjodaro so far forgot himself as to abuse and beat a tonga driver who was summoned in that far-off place and that this conduct on the part of the official in question has given rise to a feeling of universal resentment and anger in that locality ?

(3) Do Government propose to transfer the officer concerned, or take any other steps in the matter ?

Mr. J. W. Bhore : (1) Mr. K. N. Puri, a temporary overseer, is in charge of the antiquities and buildings excavated at Mohenjodaro pending the resumption of excavations next cold weather. He has had more than one year's experience of archaeological work under the Director General of Archaeology in India.

(2) and (3). The incident alluded to by the Honourable Member has since been closed by a compromise filed by the tonga driver and the Government of India are not aware that it aroused any general resentment. It will be left to the Director General of Archaeology to take such action as he deems necessary.

CONSTRUCTION OF A RAILWAY FROM BATALA *via* BUTARI AND PATTI TO LAHORE.

163. Sardar Kartar Singh : (a) Are Government aware of the fact that the necessity of a railway line between Gurdaspur-Butari-Patti and Lahore has been keenly felt for a long time by the people concerned ?

(b) Is it a fact that the survey of this line was completed in 1916 and that it was on account of the Great War that nothing further was done in the matter ?

(c) Will the Government be pleased to state if there is any early prospect of the construction of the line referred to above being undertaken ?

Mr. A. A. L. Parsons : (a) and (b). Yes.

(c) A survey has recently been sanctioned for a line from Batala *via* Butari and Patti to Lahore which would serve Gurdaspur as well. The question of its construction will be considered on receipt of the results of the survey.

EMPLOYMENT OF SIKHS IN CERTAIN GOVERNMENT OFFICES.

164. Sardar Kartar Singh : (a) Will the Government be pleased to state the number of temporary and permanent vacancies that occurred in

the grades of clerks, assistants and stenographers in each of the following offices and the number of Sikhs taken in each grade of every office since 1925 :—

1. Office of the Director General, Posts and Telegraphs.
2. Office of the Auditor General.
3. Office of the Audit Officer, Indian Stores Department.
4. Office of the Director General of Observatories, and
5. Office of the Accountant General, Central Revenues ?

(b) Is it a fact that in some of these offices there is not a single Sikh clerk, etc., even at present and that this fact was brought to the notice of the heads of the departments through questions some time back ? If so, why so ?

(c) Do Government propose to issue instructions to the heads of the departments to take such number of Sikhs as may give them their full share of representation ?

The Honourable Sir Basil Blackett : The information required by the Honourable Member is being collected and will be furnished to him as soon as possible.

EMPLOYMENT OF SIKHS IN THE *Fauji Akhbar* OFFICE, SIMLA.

165. **Sardar Kartar Singh :** (a) Is it a fact that there is only one Sikh in the *Fauji Akhbar* office, Simla, as against 9 Muhammadans and 7 Hindus ?

(b) Do the Government intend to take any more Sikhs in future vacancies to give them fair representation ? If not, why not ?

Mr. E. Burdon : (a) The figures quoted by the Honourable Member are incorrect. There are 8 Muhammadans, 6 Hindus and one Sikh.

(b) The Government are prepared to take any Sikh applicant with suitable qualifications when a vacancy arises ; but appointments are governed by the merits of the applicant and not by his caste.

I may mention that there has only been one Sikh applicant during the last five months, and during this period, there has been no vacancy.

EMPLOYMENT OF SIKHS IN THE INDIAN AUDIT AND ACCOUNTS SERVICE.

166. **Sardar Kartar Singh :** (a) Is it a fact that a couple of Muhammadans were taken in the Indian Audit and Accounts Service on a communal basis last year ? If so, why was this done ?

(b) In view of this will Government please say if they propose to take any Sikh this year ? If not, why not ?

The Honourable Sir Basil Blackett : (a) I presume that the Honourable Member is referring to the appointments made on the results of the examination held in December last. If so, the reply to the first part of this clause is in the affirmative. As regards the second part, I

would invite his attention to the announcement made by the Honourable the Home Member in the Council of State on the 2nd March 1925, in accordance with which one-third of the vacancies in the various Services are reserved for 'nomination'. I may point out that the two Muhammadans stood 10th and 16th, respectively, out of the 70 candidates who appeared at the examination.

(b) Among the 70 candidates there were only two Sikhs, who secured the 49th and 51st places, respectively. I will take the case of Sikhs into consideration when appointments come to be made on the results of the examination to be held in December 1926. It must be realised, however, that I cannot nominate any candidate who does not obtain to a reasonably high place in the examination.

HONEYCOMB BRICK WORK IN THE BATH ROOMS OF THE "D" TYPE INDIAN CLERKS' QUARTERS AT RAISINA.

167. **Sardar Kartar Singh :** (a) Will the Government please state if they have replaced the honeycomb bricks in the bath rooms of the 'D' type Indian clerks' quarters at Raisina ?

(b) If not, will they be pleased to state how long they will take to remove this difficulty from which every tenant suffers ? Has this fact been brought more than once to their notice through questions and representations ?

The Honourable Sir Bhupendra Nath Mitra : (a) No.

(b) The matter has been brought to the notice of Government on more than one occasion, but they have decided not to replace the honeycomb brick work.

REFUSAL TO GRANT COMMUNAL AND CLOSED HOLIDAYS TO THE CLERKS OF THE INDIAN STORES DEPARTMENT.

168. **Sardar Kartar Singh :** (a) Is it a fact that the clerks of the Indian Stores Department are generally refused communal and sometimes closed holidays on the ground of much work ?

(b) If so, will the Government be pleased to lay on the table a statement showing the number of holidays (communal or otherwise) enjoyed and refused to each individual ?

(c) Will it also be pleased to say if they are granted any other compensatory holidays ?

The Honourable Sir Bhupendra Nath Mitra : (a), (b) and (c). Communal holidays up to the prescribed limit of six in the year are granted to all members of the clerical establishment of the Indian Stores Department. Only in very rare cases owing to the pressure of urgent work were certain members of the staff required to attend office on a closed holiday, but they were granted, on application, a compensatory holiday in lieu thereof. During the year 1925 and the first eight months of the year 1926, 15 and 9 persons out of a staff of 115 and 142, respectively, were required to attend office only on one closed holiday.

MESSAGES FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, three Messages have been received from the Secretary of the Council of State. The first Message runs as follows :

“ I am directed to inform you that the Council of State have at their meeting held on the 31st August, 1926, agreed without any amendment to the following Bills which were passed by the Legislative Assembly on the 25th and 26th August :

A Bill further to amend the Provincial Insolvency Act, 1920, for certain purposes; a Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose; and a Bill to amend the Indian Succession Act, 1925, for a certain purpose.”

The second Message runs as follows :

“ In accordance with rule 31 (1) of the Indian Legislative Rules I am directed to inform you that the amendments made by the Legislative Assembly in the Bill to amend the provisions of section 33 of the Indian Succession Act, 1925, were taken into consideration by the Council of State at their meeting held on the 31st August, 1926, and that the Council agreed to the amendments.”

The third Message is as follows :

“ I am directed to inform you that the Bill to provide for the constitution of Bar Councils in British India and for other purposes passed by the Legislative Assembly at its meeting held on the 27th August, 1926, was passed by the Council of State at its meeting of the 31st August with the following amendment:

“The following sub-clause was added to clause 14 of the Bill, namely :

‘ (3) Nothing in this section shall be deemed to limit or in any way affect the power of the High Court of Judicature at Fort William in Bengal or of the High Court of Judicature at Bombay to make rules determining the persons who shall be entitled respectively to plead and to act in the High Court in the exercise of its original jurisdiction ’.”

RESOLUTION *RE* REGULATION OF THE PERFORMANCE OF RELIGIOUS FESTIVALS, ETC.

Mr. President : The House will now resume discussion of the following Resolution moved by Maulvi Muhammad Yakub on the 24th August, 1926 :

“ This Assembly recommends to the Governor General in Council that legislation be immediately taken in hand in order to regulate the performance of religious festivals, rites and ceremonies of the different communities in India ”.

Mr. K. C. Roy (Bengal : Nominated Non-Official) : Sir, will you permit me to move the Resolution which stands in my name in substitution of the Resolution moved by my friend Maulvi Muhammad Yakub ?

Mr. President : The Honourable Member will wait for a little while.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadian) : Sir, with your permission I beg to move the adjournment of the debate on this Resolution *sine die*.

I learned from the Mover of this Resolution that he would agree to this adjournment after a statement on this question has been made by the Honourable the Home Member. If that is so I need not go into my reasons for making the motion for adjournment. I wish to point out that in any case, even if this Resolution is carried, no legislation can be undertaken during this Session, and there is no use in debating this Resolution or trying to arrive at a conclusion in this Session. In any case the Resolution would have to be acted upon, even if passed, during the next Session. Secondly, the atmosphere.....

Mr. President : The Honourable Member forgets that there is an amendment by Diwan Bahadur Rangachariar which does not ask the Government to undertake any legislation but merely calls for a conference.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : And there is also my Resolution which does not call for legislation.

Lala Lajpat Rai : I was going to say a word or two about the amendments. My motion covers the original Resolution and its amendments. I want the adjournment of the whole debate, not of any particular portion of it. I was going to say that any debate on this question at this particular time will be very unfortunate, as, however careful Members may be, they cannot avoid references to certain things which have been done by themselves or other people outside this House, which will create bitterness. This is not the time to debate this question. Perhaps the Government in their wisdom will take their own course and decide when they are going to come forward. I would therefore appeal to all Members not to make any speeches upon this Resolution or on their amendments and to agree to the adjournment of the debate to the next Session.

Mr. President : Does the Honourable Member move formally the adjournment of the debate ?

Lala Lajpat Rai : Yes, Sir, I do.

Sir Hari Singh Gour : The Honourable the Mover of this motion also asked me whether I would agree to the adjournment of the debate, and in fact he asked me to move the adjournment of the debate. There are, however, various considerations which arise in my mind which I should place before the House before I accede to the motion made by the Honourable Lala Lajpat Rai. I wish to point out to this House that so far as acrimony is concerned that must be avoided in all debates. I submit that the mere fact that there is communal tension is no reason why Members of the Legislature with the duty of advising Government should shirk their responsibilities. I think, Sir, that far from being a case for adjournment it is a case for prompt and ready decision. That argument of the Honourable Lala Lajpat Rai, therefore, does not move me. On the other hand, I feel that so far as we, the representatives of the people in this House are concerned, it is our duty to advise Government as to what action is necessary for the purpose of allaying the tension that exists between the two main communities in this country. I mean, Sir, that Honourable Members on this side of the House have spoken with great reserve, and I have no doubt that the speeches that will follow will also follow that reserve which we have steadily maintained throughout this discussion. But I think the fact cannot be denied that the tension is not purely religious. It owes its inception to and gains its momentum by reasons which cannot be described as otherwise than political.

Mr. President : The Honourable Member is entering into the merits of the Resolution. The debate is now confined to the adjournment motion moved by Lala Lajpat Rai.

Sir Hari Singh Gour : I am giving the reasons, Sir.

Mr. President : The Honourable Member is entering into the merits of the debate.

Sir Hari Singh Gour : I am not, Sir. (*Several Honourable Members :* "Order, order".)

Mr. President : I propose to dispose of the motion for adjournment first, and I would request Honourable Members to be as brief as possible.

Sir Hari Singh Gour : Well, Sir, I shall explain why it is inopportune to adjourn the debate at this stage. I wish to point out, Sir, that there are various amendments on the agenda paper. One of them stands in my name. The Honourable Lala Lajpat Rai rightly pointed out that even supposing that we were to carry this Resolution, no legislation is possible during the currency of the present Session of the Assembly. I interjected a remark and I repeat it here that so far as the Honourable Diwan Bahadur Rangachariar's amendment is concerned and so far as my own amendment is concerned, it does not call for any immediate legislation. As a matter of fact so far as my amendment is concerned, I think the Honourable the Home Member will promptly accept it, because the sooner the existing law is broad-casted to the people, the better chance the people will have of realizing their rights and liabilities in respect of the immediate causes which have led to this tension. I therefore submit, Sir, that there should be some more discussion on the subject before we are able to vote whether this is a fit case for adjournment or otherwise. If we can come to some *modus vivendi*, if some suggestion is made by the Honourable the Home Member accepting some of the amendments, or if some of us are able to dispose of this very difficult question otherwise than by shunting it off the line, I should certainly, Sir, oppose the amendment ; but as I have said, we must go more fully into the various amendments and see whether after hearing the authors of the amendments and their supporters, the case for an adjournment has been made out.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province : Nominated Non-Official) : Sir, I rise to oppose this motion for the adjournment of the debate. Sir, it is no use postponing things which have already come to the front in the Press. The whole country is full of these discussions in the Press, and Honourable Members of this House are also discussing these matters in the lobbies, and have already discussed them on the floor of the House. The Mover himself has also had an opportunity of giving us a long speech on this subject seemingly attributing the chief causes of these communal troubles to separate representation and separate electorates.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : I never said a word, Sir, to this effect.

Nawab Sir Sahibzada Abdul Qaiyum : I mean the Honourable Member who has moved for the adjournment of the debate.

Lala Lajpat Rai : I never said a word to this effect in my speech on the Bill to amend the Criminal Procedure Code.

Nawab Sir Sahibzada Abdul Qaiyum : I cannot quote his exact words just now, but I can refer him to his speech as a whole. It at least implied—the words may not be there—but the whole speech implied that the root cause of our communal troubles was separate representation and

separate electorates. Having gone that far, it is no use putting a stop to the discussion. Let people who feel on this point have the opportunity of speaking on the subject, like the Mover of the motion. I myself do not see how we can legislate on a delicate question like this. It will be very difficult to put it into law with a view to controlling communal troubles, but I as a layman, Sir, from an area where things are run in a more practical way (Hear, hear), can suggest a rough remedy. My suggestion is this, Sir, that if we can only allow the Government...

Mr. President : The Honourable Member will remember that this is a motion for adjournment. We are not now considering the merits of the Resolution.

Nawab Sir Sahibzada Abdul Qaiyum : I shall be very brief ; I am not going to discuss the merits of the case. What I want to explain is this that something useful may still emerge from a debate on the subject, and if nothing else emerges in the form of an Act of the Legislature, at least we may permit the Government of India, if any permission is required, to pass an Ordinance, like the Bengal Ordinance, and authorise the Government that whenever anybody interferes with a religious procession or a religious sacrifice or anything of the sort, he should be fired on and shot like a rabid dog. That is what should be suggested in the matter by the House if we are really earnest in putting a stop to these troubles. Or, Sir, we may authorise or rather advise the Government to suspend the laws of the country for a time, so that the two communities may fight it out amongst themselves and come to some definite conclusion. It is no use, Sir, postponing the evil day any longer. The evil is there, the causes of friction are there, and it is no use concealing the true facts. For this reason, Sir, I oppose the motion for adjournment.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I must make my position perfectly clear in regard to this matter. The position is this. A Resolution was moved at considerable length by my Honourable friend, Maulvi Muhammad Yakub. To that an amendment was moved by Diwan Bahadur Rangachariar. The question that is agitated in connection with this Resolution is one of the utmost importance at the present moment. It is the crying question of India, and certainly, Sir, I could not as the Member in charge for Government allow two speeches to stand on record with no reply on behalf of the Government. I must therefore oppose the motion.

Mr. President : The question is :

“ That the further debate on this Resolution be adjourned *sine die*. ”

The motion was negatived.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Sir, coming as I do from the Province of Bengal, which has been the battlefield of Kurukshetra (Laughter) fought between the two communities for the last five months since Friday, the 2nd April last, when an altercation took place owing to an Arya Samaj procession with music passing along Harrison Road close by the mosque of Dinoo Muhammad, it has become, Sir, absolutely necessary for me that I should take part in this debate and make certain observations on the point which is at issue before this House to-day. The main point of the Resolution, Sir, is that the Government

[Mr. K. Ahmed.]

should take up legislation to regulate the performance of religious festivals, rites and ceremonies of the different communities living in India. And the amendment of my Honourable friend Diwan Bahadur Rangachariar is that Government should convene an all-India conference of selected leaders and experienced officials—to do what?—to examine the present communal situation and make recommendations to regulate the performance of religious festivals, rights and ceremonies of the different communities in India. We had, Sir, in the premier city of Calcutta great bloodshed, pillage, incendiarism. Many were killed, shot and wounded. Mosques and temples were desecrated; houses and shops were plundered. We had also on the other hand many meetings of the leaders of the different communities which lasted for many days. Meetings after meetings were held to settle the differences of these two important communities without any result. We had also at the Government House at Calcutta, presided over by our Governor, many meetings but everything ended in nothing. Both the Government and the leaders tried their best to settle the matter. Finally, Sir, my Government arrived at a decision with regard to the question of music before mosques in the town of Calcutta only, when the situation became very grave. Music was stopped at all hours of the day before the Nakhoda Mosque and with regard to other mosques in the town of Calcutta during the congregational worship or prayer, that is, five times daily.

Now, Sir, coming to the terms of the Resolution and the amendment before the House, it does not seem to me at all possible or feasible, at this time, when all the elected Members of the Indian Legislature (this House and the other), as well as the other provincial Councils will be engaged and very busy in the forthcoming elections, that the leaders of the country will be able to attend any meetings which are to be convened. Besides, there is little hope that the Hindu and Muhammadan leaders will agree to accept any terms of compromise. This has been testified already in the country and the Mover has already stated in his opening speech that this has failed already so many times. Since both the communities are so interested in dealing with a subject of this kind, I venture to think that it should be left to the Government altogether. Government is the only natural agency to deal with it. I do not believe, Sir, that any useful purpose will be served by convening an all-India conference or, as the Mover of the Resolution has said, that the best course for the Government of India would be before undertaking any legislation to invite the leaders of the different communities to a round table conference. The House is well aware that all the leaders at present are also very much interested and that they are only trying to establish their leadership over each other and one another in the country at the cost of the dumb millions. The interest of these leaders therefore clashes amongst themselves. Now, Sir, my Honourable friend from Madras, while moving his amendment did not disclose at all what the causes of the communal differences were. He and the Mover of the Resolution have been trying to apply the ointment or medicine to the sore without diagnosing the diseases or germs of diseases of our communal riots in the country; and, as I had already stated, Government's opinion is the best of all the opinions of the interested leaders of the country who are suffering from the disease themselves. On the other hand, Sir, there is every risk and

danger in holding or convening a leaders' conference. It will only mislead the Government and their sound advice to both the communities to be followed and acted upon accordingly. The other day, Sir :

"In the interview, which he has given to the *Westminster Gazette*, Lord Lytton, (Governor of Bengal), traces the main cause of the riots in Calcutta to the rivalries roused by the Indianization of the administration. Between the educated men the division of the loaves and fishes in the services is undoubtedly a cause of discord, but before these quarrels penetrate to the minds of the uneducated masses a wholly different sentiment has to be brought into play. "Music before mosques" and the "killing of cows" are in fact the translation into cries understandable by the people at large of communal differences that really take their origin in the struggle for political power. A political issue in the higher sections of the communities is carried down to the masses by rousing age-old passion about religious observances. The distinction between the two as well as their close connection must be kept clear in mind. A settlement of the religious quarrel does not necessarily imply a settlement of the political struggle. All that it will do is to deprive the two communities of the dangerous weapon by means of which the political quarrel is carried on. It will take the administrative question out of the sphere of mob-passion and enable it to be dealt with as a legislative and administrative problem."

"That the ground should be cleared in this way we believe to be essential to peace, and on Sunday we outlined, roughly enough, the terms upon which the two communities could come to an understanding. We have not suggested that these terms do not involve considerable sacrifices of the claims made on either side. They do. Without such surrenders no peace is possible except the peace that is kept by the Government, acting through the instruments of the police and the military forces. In nearly all countries it is customary to stop bands playing while passing churches in which service is in progress, while passing hospitals, and while passing houses in which persons are known to be dangerously ill. That silence is enforced by no law beyond that of good feeling and good citizenship. The Muhammadans are entitled to appeal to those sentiments."

Mr. President : Order, order. The Honourable Member must resume his own speech.

Mr. K. Ahmed : I will resume my own speech, Sir. The quotation that I have given is from the greatest authority of the province, namely, a Governor. He has come in contact with all sorts of leaders.

I am not at all, Sir, less eager than my friend, the Mover of the Resolution and my Honourable friend, Mr. Rangachariar, to see a settlement of these communal troubles. I also tabled a Resolution of the kind during the last Session at Delhi just before communal riot broke out so virulently in Calcutta and though, Mr. President, you had allowed my Resolution to be moved, it was disallowed by His Excellency the Governor General of India under Rule 22, clause (1) of the Indian Legislative Rules on the ground that it related to matters which were not primarily the concern of the Governor General in Council. I was also, Sir, ready to move the adjournment of the House on the 18th August last, the first opening day, for the purpose of calling the attention of the Government of India to the present communal trouble in the country and the action of the Government to bring about an early settlement.

But as I had to wait and see the result of the ballot of the 17th of August, when this Resolution was ballotted, I had to postpone doing the same.

Sir, from the statement of Lord Lytton that he made to the representative of the *Westminster Gazette* it is clear that the settlement depends on the settlement of the Indianization of the administration because it has naturally led to rivalry and disturbances between the Hindu

[Mr. K. Ahmed.]

and Muhammadan elements that compete for power. The representation on the Legislature granted to the Muhammadans under the Reforms is inadequate in the provinces of Bengal and the Punjab. The Reforms Inquiry Committee has already made inquiries into the matter and has already submitted its report. The All-India Muslim League has repeatedly demanded from the Government (my Honourable friend the Home Member is looking at me), all our needs and requirements. We, Muhammadans, have been waiting so long hoping that the benefits of the Reforms would be given to us as early as possible, but everything has been denied to us for so long. We have not got our adequate share in the public services. Our people have become impatient and they cannot wait any longer. The sooner it is given to us the better both for the Government and the country. Under these circumstances, Sir, I beg to oppose both the Resolution and the amendment of my friend Diwan Bahadur T. Rangachariar.

Dr. S. K. Datta (Nominated : Indian Christians) : Sir, the present situation is a matter of very great concern to the minority communities in India and to all concerned with their welfare. I shall give very shortly some of the reasons for this. Every minority community is affected by the demands made by any of the major communities. Every demand thus conceded limits the opportunity of the smaller minorities, who have now come to believe that if this limitation continues they are bound to go to the wall. For many years I lived in Lahore, and thus I have had experience of the two great provinces in India, the Punjab and Bengal, where the inter-communal question to-day has become such a burning one. I have witnessed the riots in Calcutta and have seen communal feeling aroused in both these provinces and, while I have realised that the Moslem community suffer from grave handicaps, I cannot but utter a word of warning this morning. Largely, as far as I can make out, the quarrel has been one of posts and positions and this has embittered the situation. This Resolution refers to religion, religious rites and religious ceremonies. I wonder whether we really know what we are referring to when we speak in the name of religion. Religion really is the means, psychologically, if I may so put it, the method by which communities come to a common expression. There are communities in the world which use other modes of expression of the common mind, but in India, when the communities thus express themselves, they express it in terms of religion. I was a member of the Unity Conference, —not a prominent member, I kept my mouth mostly shut,—during those great days in Delhi. As I watched the proceedings of the Unity Conference, I began to speculate on the situation in India. It seemed to me that we were all united in and were perfectly willing to distribute the benefits of the next world amongst ourselves but not the benefits of this world. That is a cynical observation to make, but the truth of it came home to me as I sat in the Conference. What is it that India is suffering from? India is suffering from wide-spread unrest and the present tension is part of the unrest of India. Fundamentally, it seems to me that the Mussalman (and not only he but others too) is the victim of the economic situation of this country. He is suffering from a feeling that the things of the world are not being divided equally and with any sense of justice. Now, that is the chronic situation in India. Every

now and then it flares up. And why does it flare up ? Because that chronic unrest is being used by persons for their own personal and selfish ends. That, to my mind, is the trouble in India to-day.

Now, Sir, if my analysis of the situation is correct, how are we going to meet it ? What are we going to do for the future ? Is this conference which has been proposed going to do any good ? This conference proposes to deal with matters of religion, religious rites and those sort of things. But there are things which are more fundamental than these expressions of religious fervour. Religion is a mere expression of a deeper discontent. Well, Sir, that being my analysis, I should like to say one or two words with regard to this conference. I do not believe it is up to me, a member and the representative of a small minority community, to record a vote here. It is a question for the bigger and greater communities to settle. Now there are several prerequisites which are essential for this conference ; otherwise it will prove a failure. The first prerequisite to me is a psychological one, namely, the will to unite. Is there a will to unite ? If there is not, a conference such as this will prove abortive. As I look round the leaders, I sometimes wonder whether there is really at bottom a will to unite. I doubt it. But I am not pessimistic of the younger generation. I have lived in Calcutta during the last troublous days and I have seen quite a good deal of the younger men in Calcutta, of all communities. It seems to me that there is among them a feeling and a desire that there should be a better day. They are not out to use this chronic unrest of the country for their own purposes. There is a street in Calcutta called Machua Bazaar Street which was the scene of the worst riots and where the firing from armoured cars took place. I know of a hostel which has a large majority of Hindu students, with a few Muslim, Christian, and Sikhs students. Opposite to this hostel there is a large Mussalman *basti* consisting of humble artisans and labourers. Now, these Hindu students resolved that they would help the Mussalman boys who were their neighbours, and every week open up their play-ground for the entertainment and recreation of these.

I believe in their ordinary life these young men have demonstrated what I may call the will to unite. The Hindu has a tremendous responsibility. Wealth is on his side, influence is on his side, is he going to use it for the minority communities of this country ? If he is, you will get unity. The other day I heard my friend Maulvi Muhammad Yakub speak and he uttered one sentence in his speech of which I have a vivid recollection. He said " Our festivals have been turned into days of mourning ", and I felt my Honourable friend Maulvi Muhammad Yakub was beginning to have the will to unite. It may be that this prerequisite may be present in a larger measure than we realize.

There is another prerequisite necessary before a conference can be successful, and I would turn for a moment to that front Bench of this House, the Government of India. Sir, it is one of the tragedies of our time that for the last 30 or 40 years the Government of India have been losing the moral leadership of this country. Thirty or forty years ago the Government of India did have the moral leadership of this country. What they said, men listened to ; they said words that inspired and the people were willing to follow their leadership. To-day, when a critical situation arises in this country, we in this House realize what happens ;

[Dr. S. K. Datta.]

the clauses of the Indian Penal Code, or the Criminal Procedure Code, are further strengthened at the instance of that front Bench. Yes, that may be necessary, probably is necessary, I have not a word to say against it ; but there is something bigger in this country that the Government of India can do and ought to do. Sir, why is that leadership which I spoke of gone ? I sometimes wonder whether the Government of India is not tied too closely to another, shall I say cynical authority eight thousand miles away, too much subject to the dictation of people who do not realize what the situation is, and are more concerned with their own interest. I wonder if the Government of India cannot get free from this bondage and use its authority to become again the moral leaders of this country

Sir Walter Willson : (Associated Chambers of Commerce : Nominated Non-Official) : What does the Assembly say when it does ?

Dr. S. K. Datta : The Government of India has not made to this Assembly an appeal to its moral sense. Sir, the speech of His Excellency the Viceroy the other day before the Chelmsford Club gave us hope again, those of us who belong to the minority communities, and whose interests are not a matter of concern to the others, that there would be a renewed leadership, and that the Government of India would lead this country back to tranquillity. That is all I have to say. I believe that is the greatest thing His Excellency the Viceroy and Governor General of India can do ; he has to lead us into peace and tranquillity and I do trust that the Government of India will accept that burden casting aside the trammels that bind them, and I can assure them that they will have the backing of all men of goodwill in this country.

Sir Denys Bray (Foreign Secretary) : Sir, I think the last two speeches we have heard are a proof of the impropriety (shall I say ?) of my Honourable friend Mr. Lajpat Rai's motion for adjournment. My Honourable friend Dr. Datta has just delivered one of his characteristic speeches, suggestive, philosophical—though marred in one place, I thought, by a narrow cynicism—a speech coming from the representative of a small minority community which, as I believe, has in essence a contribution to make to this most difficult question. To the speech of my Honourable friend Mr. K. Ahmed I began to listen with much trepidation. But there is something in this debate which has a sobering influence even on the martial ardour and the unquenchable humour of my friend. There is a challenge in this debate. It has proved too much for the natural inertia of a professionally silent Member like myself. The challenge is imperative. For strip the motion and the amendments of their trappings and trimmings, and there stands bare a matter which comes home more shrewdly to men's business and bosoms than any yet debated in this House. The very restraint with which the House has discussed the business before us bespeaks its great difficulty, its desperate gravity, for when bitterness of the heart—and this is what was at the back of my Honourable friend's motion for adjournment—when bitterness of heart can drive angry words so easily across the barrier of our lips, nothing but a sense of responsibility, a great sense of the immeasurable dangers of irresponsibility, can force us to couch our hopes, our fears in sober language. Our restraint has been impressive ; but it has been surely natural enough. For once you set foreign aggression aside, there

is no national business more crucial than a continuing menace to civil peace.

Hence, Sir, is it not lamentable that the Swaraj Party, which I had thought had something constructive to bring to our counsels on this matter, should have held itself aloof? Lamentable three-fold that it should have come back to us for a material issue—however important a Currency Bill may be—and should have turned away forthwith from an issue that touches the very spiritual being of India. (Hear, hear.) I tried to school myself into feeling some spark of the ideal in non-co-operation, for I always feel myself better equipped to meet my opponent when I can grip and grasp the measure of right that is on his side. But if non-co-operation, or whatever the fleeting party label now may be, spells public and well-advertised co-operation over the material, the non-essential, the sordid, and the holding aloof from the very essence, as it seems to me, of India's spiritual being, then India, if she is true to herself, will have done with non-co-operation, here, now and for ever.

The soberness and restraint with which we who are left in this House have approached this debate has not been won by any shirking or cowardly veiling of the issue. Far from it. There have been words spoken in this debate, weighty, wrung from the heart, instinct with sincerity, such as my memory at least can find no parallel for in our debates. There has been that cry, raised insistently, that the leaders of the two communities have left undone those things that they ought to have done, and have done those things they ought not to have done: that the leaders have failed; that they have lacked the courage—of all forms of courage I am inclined to rate it highest—of attempting to stem the flood of passion that has been sweeping their followers from every semblance of loyalty to Mother India. The cry has been raised not merely by a follower here or a follower there but—theirs be the honour—from men who are leaders indeed. And here surely there is a glimmer of hope. For the recognition of failure, still more the public confession of failure, is the first stumbling step on the retracing of that difficult road that leads to success. And there has been that cry that unless India can rise superior to this hideous communal trouble, this House is vain; our labours are vain; all our hopes that are centred in this House are vain; all that this House stands for is vain. The cry came from a quarter which on a superficial analysis might have been expected least to raise it. Then there was that other cry—an exceeding bitter cry—that it rests with Government alone, that Government alone has the power to overcome this trouble, that without the driving force of Government India can do nothing. Dr. Datta expressed that cry in a somewhat different form. Government can do, has done, much. It can do, has done, much in what I may call the material sphere by the imposition of law and order. It can do, it has done and it will do much in what my friend Dr. Datta calls response to a moral appeal. Government to-day is making a moral appeal to India; and the greater the response to that appeal the greater will be the power of Government to give India in this matter a moral lead. When people who ordinarily do not call upon Government for help raise the cry for help in a matter so intensely important to India the sincerity of the cry becomes doubly vivid. Who could not feel it? But what Government cannot do is to cure the disease itself—a disease which is within. It can tackle the outward and

[Sir Denys Bray.]

visible signs of this inward and spiritual disgrace that is eating into the heart of India. But the cure itself must come not from without but from within.

And this brings me back to the first speech of the debate. For I, like Dr. Datta, was greatly touched by that passage in the speech of my Honourable friend, Maulvi Muhammad Yakub, in which he said that Indian family life with its simple joys and glad festivals and pious holidays was being robbed of its happiness. And when I heard those words—simple as they were, they were to my ears the most touching I have heard in this House,—I could not help feeling that here at last was a clue to the solution of a problem which at times oppresses us with its almost insoluble difficulty. Let that cry run through the length and breadth of India; and, God willing, we shall find that the salvation of India does not rest with the politicians or the officials but with India's women and children who shall impel the manhood of India to restore to them that happiness of home and family and social life without which life itself is not worth living.

Mr. N. M. Dumasia (Bombay City : Non-Muhammadan Urban) :

12 Noon.

Mr. President, I had no intention to intervene in the debate at this stage but a reference to minority communities by my Honourable friend Dr. Datta reminded me of what a minority can do at this critical juncture. When there was a split in the Congress and when it was being torn asunder after the Partition of Bengal, it was a member of a minority community, the grand old man of India—Mr. Dadabhai Naoroji—who donned his armour at the age of eighty and came out to India to smooth matters and bring about peace among the warring elements which at that time rent the country. Sir, when two major communities are flying at each other's throats, it would be criminal for minority communities to remain silent. They must play their part of peace-makers, for after all they are independent spectators and can give their honest opinion in matters which appertain to the welfare of all communities. Sir, according to my ideas it is not the function of the Government to interfere in communal disputes except to bring about peace and enforce law and order—which they are doing. Under British Rule we have been granted the freedom to follow our own ways in religious matters and we have not been molested in the enjoyment of our religious rights for nearly a century. It is lamentable that in the 20th century when we are giving lip service to nationality, when our one cry is national union, we find that these communities have finished fighting with Mr. Gandhi's "Satanic" Government and are now engaged in trying to massacre and wipe out each other. Sir, it is an irony of fate that this should be happening when we are pressing for Swaraj on the ground that India is a nation. As I have said, it is not the function of the Government to intervene in communal disputes; but this question has become such a gigantic problem, it has become such a great evil, that it is our sacred duty to explore every avenue that brings peace and concord between the two communities. It was the great founder of the Aligarh College, the late Sir Syed Ahmed, who said that the Hindus were the apple of the Muhammadan's eye, and the Muhammadans were the apple of the Hindu's eye. Instead of being the apple of each other's eyes, what do we find? We find an apple of discord sowed in the two communities. Again, as my great Guru,

His Highness the Aga Khan, said the Hindus and Muhammadans were like the two arms of the nation and you cannot cut the one without destroying the other. Instead of the Hindus and Muhammadans trying to settle their disputes amicably and with each other forgetting that they are part and parcel of a nation, they injure each other's interests and put back the clock of national and political progress. I speak with great deliberation when I say that the whole fault lies with the leaders of the communities. The leaders of the communities, as my friend, Mr. Lajpat Rai, admitted the other day, had not done enough ; he said they had not got the opportunity to do it. Whose fault is it ? It is the fault of the leaders if they have not explored all avenues of peace ; it is the fault of the leaders if they have not done their best to bring peace in the country and among themselves. Sir, these leaders are fighting, not for the advancement of the cause of the nation, but to ascertain their own claims for leadership. That is the bane of the country. Have we not got here a leader who can bring peace to the country ? If so, the country is not fit for self-government. I remember the great conference which was held in Allahabad when Sir William Wedderburn, the Aga Khan, the late Mr. Gokhale and last but not least my friend, Pandit Madan Mohan Malaviya, exerted their best influence to bring about conciliation between the two communities and their efforts were attended with not a little success because they were inspired by a genuine desire to bring about peace and amity. If the leaders set themselves to-day seriously, honestly and with a genuine desire to bring peace, I think they will succeed and will bring relief to the whole country which it badly needs at the present time. But, as I have said, the leaders are at present fighting among themselves to establish their own claim to leadership. It has been said that the Government are fomenting these communal quarrels. It has been said that the Anglo-Indian Press has been fomenting these quarrels. These statements, I assert, are untrue.

Mr. President : Order, order. No one has suggested in this debate that the Government are fomenting these troubles

Mr. N. M. Dumasia : Sir, I will not refer to that general statement ; but I must say that the Government will be the last to foment any dissension for the simple reason that they brought internal peace to this country and no charge can be laid against them that they are not able to control these communal riots. Sir, as I have said, it is not the function of the Government to intervene except to preserve law and order ; but the country requires a true lead to-day to settle these disputes, and for this reason I am of opinion that the Government, the officials and the non-officials and leaders of all the communities, should meet and put their heads together and try to come to a settlement ; but before Government intervene there is one condition essential for bringing about happy results, and it is this, that the leaders must agree between themselves first. As there are rights, so there are obligations of citizenship. It is, therefore, the function of the leaders first of all to come to a settlement and then tell Government " Here we are in hearty accord with each other and we are determined to settle our matters among ourselves, and we want Government's co-operation."

Sir, it has been said that communal representation has brought all this dissension in the country. As I said the other day communal representation brought about conciliation between the two communities ; and

[Mr. N. M. Dumasia.]

if this communal representation were taken away to-day it will be a fresh cause of trouble which neither the Government nor the leaders of the communities will be able to stop. If communal representation were taken away, where is the guarantee that the minority communities will at all be represented in this House? When any scheme is put forward the leaders of these communities claim to speak for minorities as well and show their anxiety to preserve the interests of the minorities. Sir, my community has not been granted communal representation and we have not pressed for it; but, communal representation so far as regards the great Moslem community is concerned is a *fait accompli*—a settled fact. Try to do away with it and you will see rivers of blood flowing in the country.

Sir, at this critical juncture we are fortunate in having in our Viceroy a man dominated by high principles, a man of great virtues whose one object, as he has frequently told the public, is to bring peace in the country. There is no doubt that he is moved by the same religious Christian fervour as Gladstone was moved in England and that he has already given us proof that, if we join hands with him, if we work with the Government hand in hand, he will try to prove another Lord Ripon. Government have given us one cue—unite—and if we unite no Government on earth can deny our united legitimate demands. If this communal question is satisfactorily settled,—which can only be done by mutual good-will and mutual forbearance,—and, if unity is thereby restored, then, India need not despair of her future; but, Sir, Government which has been looked upon with unnecessary suspicion can never bring about that unity; it is the leaders who can do it; and if the leaders fail to bring about the desired object I think these leaders will have worked in vain for the political advancement of the country, because political advancement would never come unless India presents itself as a united nation. What we are doing to-day is not to unite ourselves into one nation but to show that India is still full of so many castes and creeds, so many communities, so many languages and so many religions. Government can never bring them into one. It is the leaders alone who can do it and I hope the leaders will take to heart the lessons of to-day's debate and set earnestly to work to bring about that tranquillity and peace which India so sorely needs to-day.

The Honourable Sir Alexander Muddiman: Sir, if I rise rather early in this debate it is with the object as far as possible of seeing it continue on the lines on which it has so far progressed. In my judgment a debate conducted as this debate appears likely to be, cannot fail to be of considerable benefit to the general situation. I think if this Assembly had passed the whole of its life without raising its voice to discuss what is admittedly the greatest pending question of the hour, those who will examine the work of this Assembly would be forced to criticise it unfavourably. Sir, conspiracies of silence are useless. If this Assembly will never face facts, then we shall not get very far. That the debate should have taken place at the end of the last Session of this Assembly, in this comparatively thinly attended House, is to me a matter for regret. I cannot believe that those who are absent will, when they think over the consequences of their action and the importance of this debate, not regret their absence.

Now, Sir, before I enter into a discussion of the detailed terms of the Resolution and the amendment, with your permission, I should like to make a few general remarks. Let me say, in the first place, how, like my Honourable friend, Sir Denys Bray, I was struck by the earnestness of the speeches on the first day. I mean the speeches made by Maulvi Muhammad Yakub and Diwan Bahadur Rangachariar. I saw there the augury of a better feeling between the communities, for alas ! I recall different language between the two speakers on a previous occasion. Sir, I propose, in the first place, to examine the duties of Government in regard to this question. They are duties of a different character but equally, in my judgment, important. They are the primary duty of maintaining law and order and the equally important duty of bringing peace and conciliation between the two communities. The duties of Government are two-fold. They are not unmindful, as my Honourable friend Dr. Datta apparently thinks, of the moral appeal. I deny that. I also comment on the fact in passing that a citizen "of no mean city" who is a Member of this Assembly is wrong when he says that he will not vote on a question which is of the greatest importance to all communities. That is not the true spirit of citizenship.

Now, Sir, I will take, since it is well that I should put that in the forefront of my speech, the duty of Government, to use all means within its power to bring conciliation and peace to the warring parties. In my judgment, no Government should neglect any opportunity of endeavouring to influence feeling among both communities in the direction of sobriety and sanity. Sir, fortunately, I am on favourable ground here, for a very remarkable example of the exercise of that duty has taken place recently. I refer to the speech of His Excellency the Viceroy at the Chelmsford Club. That was the speech of a statesman who certainly made a moral appeal of the highest character, an appeal which, I am thankful to see, has been well received on all sides and has, in my judgment, produced a very salutary effect. Now, Sir, although, as I say, I place in the forefront the duty of conciliation there is another and an equally important duty that this Government have to fulfil, a duty which if it fails to fulfil, it would be entirely false to its own ideals and constitution. That is the duty of maintaining law and order, and I think it is worth while repeating in this connection a passage in His Excellency the Viceroy's speech at the opening of this Assembly. I regard those two speeches as pendants to one another. I regard the Chelmsford Club speech as the discharge of the duty of a moral appeal, I regard the speech of His Excellency at the opening day of this Assembly as illustrating the second duty, which is equally incumbent on Government. His Excellency said :

"But meanwhile, we have obligations to law-abiding citizens. Although indeed these matters are the primary concern of Provincial Governments, the form in which they are now emerging has, in a real sense, made them of all-India interest. While it is no part of the functions of the Executive Government to ascertain or determine in any judicial sense the private rights of citizens,—for an elaborate system of courts has been provided for that purpose—it is the undoubted duty of the executive authorities to secure that, subject to the rights of others and the preservation of the public peace, the enjoyment of those rights is secured to the individual. That duty the Government of India in co-operation with the Local Governments desire should be performed with fairness and scrupulous impartiality".

Now, Sir, it has often been said, I have heard it said, that the Government of India have no policy in these matters. The fact is that

[Sir Alexander Muddiman.]

the policy of the Government of India is to maintain law and order and promote conciliation, and that is a policy in which, I trust, we shall have the entire support of this House. It is the only policy that a Government can adopt.

If the House will bear with me, I would like to examine that proposition a little more closely. I have said that these are the two aspects of the responsibilities of Government towards the present situation. Now, in using the word "Government", I use it in the widest sense; I use it to include the Government of India, the Local Governments and all the Government officials who are charged with any duties in connection with this question. It is important that that should be borne in mind, for each in their respective spheres has very definite duties to perform. We must be careful, when we consider this problem, to bear this limitation in mind, for there are no short cuts to the happy isles and there is no fairy queen who by waving her wand can dispel the demons of discord and hatred. It is by work and not by words that help will come. It is by steady and concentrated effort, each within his own proper limitations, that good may be hoped to be effected. It is no use imagining that the Government of India can go down and decide disputes in every village. That is not the function of the Government of India. The Government of India must administer through the Local Governments, and again the Local Governments must administer through their agents, the local officers. The question we are discussing is no new one. It has agitated the minds of those who have administered India for many years. That, I think, will be admitted, and I do not propose to dig into ancient history. I will, however, refer to two definite efforts that have been made by the Government of India in comparatively recent years to ameliorate the communal situation. In 1915 and again in 1924 the Government of India drew the attention of the Local Governments to the question of conciliation in connection with communal trouble. In 1924 the writing was large on the wall. It was in Lord Reading's Government, and I was then Home Member. We addressed the Local Governments, and we got very much the same replies as those received in 1915, and I should like to say here that those replies show that in the provinces mainly concerned, the question was most carefully considered and they contained a really remarkable wealth of administrative experience. It is quite evident that the officers who sent the answers definitely and very carefully applied their minds to the issues which were put before them. Two things emerge very clearly. The first is that there is not any doubt whatever, that wherever communal trouble has taken place or is likely to take place, every effort has been made to enlist non-official co-operation in checking that trouble. That emerges very very clearly. I am always hearing it said: "Why don't you write to Local Governments and to your officers and say you must get in the help of the leading men of the place." Well, as I say, it is quite evident that that is the attempt of every officer in every district, where there is likely to be trouble. It is well that I should speak quite definitely on that point, because in another place yesterday I heard rather a different suggestion. It is impossible within the limits of human power to prevent trouble arising in all cases, but that there has been any lapse, speaking in general terms, in endeavouring to bring the two parties together, I must most emphatically deny. The second thing—and it is a very interesting point and I commend it to the careful consideration of the

House—is that all experience appears to show that the more localised the support you have, the more effective it is. It is the local men who can really help in these communal troubles. It has been said, Sir, that the political leaders have failed. I have no wish to criticise anyone. They must answer for themselves. But it is clear that in times of trouble, men turn to the people of their own hamlet, of their own *mohalla*, the *busti-wallah*, they go to the men they know who can do them some good. It is not so easy for men who are not personally known to have the same salutary effect. I must quote to the House a very short extract—the view of an experienced Commissioner—I will not give his name—but who I can assure the House has been particularly tactful in his handling quite recently of very serious communal trouble :

“The consequences of disturbances can be brought home to the classes most nearly concerned by those possessing immediate influence on particular sections of the community. These will be more frequently unknown to the higher classes of officials and of non-officials : obscure *chowdris* of bazaars, unconsidered *lambardars* or rural notables unrecognised by any official title.”

Those are the conciliators in local disputes. Now, that point I have not brought forward merely for the sake of reading the extract. I have brought it forward because it has a very important connection with the matter we have under consideration. I regard a new development in their disputes as one of the greatest dangers it is possible to have ; it is a danger that cannot be avoided with the advance in communications and the rapidity with which news spreads, some of it true and some of it false. It is this. My own experience which goes back some years is that in the past these disputes were generally particular. They were particular in this sense. They were in regard to a particular mosque, in regard to a particular place. Now, there is undoubtedly a tendency to treat a particular dispute regarding a particular place as a general question affecting or purporting to affect all Hindus or Muhammadans throughout India. And that is a most serious menace to my mind. It is quite clear from the papers I have had occasion to examine in connection with some of the recent occurrences that have taken place that there have been occasions when the people of the locality were perfectly willing to come to terms had it not been for the interference of outsiders.

Now, I have endeavoured to show that the Government of India does not sit silent on the hill-top regardless of what is going on down below. But where, I ask, is help to come from ? Where, I ask, must reform begin ? Is it at the top or at the bottom ? Are we to influence the masses or are we to interest the leaders ? *Ex hypothesi*, according to all statements, the leaders are willing to compromise. If that is true, then there is no need to approach them. They are convinced, but they cannot influence others. Who then are the people we have got to get at ? The masses. And how can the Government of India reach the masses ? Sir, in one way only. In the way we have always reached the masses and in which we still reach them : through our local officers. Those local officers can obtain their directions on important questions of principle from their Local Government and the Government of India can indicate its general policy : that is undoubtedly the case. But it must be through our local officers. And what are you going to do on your side ? You are all going to-morrow. This House will very shortly be dissolved. Honourable Members will be living, some in towns, others in their villages, and what can they do ? They can all do something to tell their neighbours, to explain

[Sir Alexander Muddiman.]

to their more ignorant fellow inhabitants what this state of affairs means and how necessary it is to put a stop to it. Now, we can do it through our officers ; Honourable Members can do it themselves or through their friends and through those they know have influence locally. To my mind that is where much may be done. Much may be done by working on the masses below. The leaders—they also, if they lead, can influence public opinion. But it is not by hiding our heads in a bag and refusing to face the situation, that anything will be effected. Now, I have been very much struck—I should not be frank if I did not tell the House—I have been very much struck by the fact that in the debates of this House, whenever anything of this kind has come up, speakers of a certain community in this House have mainly come from Southern India where this communal tension does not exist as it does in other parts of India. That is a very striking fact and I hope to-day we shall have some clear statements of what the views of those who are more particularly affected are in the matter. I think a frank pronouncement of a desire to co-operate in putting an end to these serious troubles would have a very valuable effect.

Now, Sir, I do not propose to deal at length with the actual terms of either the Resolution or the amendment, but I must say a few words on them. My friend Maulvi Muhammad Yakub wants immediate legislation : my friend Diwan Bahadur Rangachariar wants a committee which probably would recommend legislation. It is true that he does not in so many terms say that, but I take it that that is the real difference between the Resolution and the amendment. Well, Sir, I do not think it could be seriously argued that any Government could possibly take up legislation on the lines suggested. The Resolution, if you read it carefully, would ask for the widest interference with religious rites.

Maulvi Muhammad Yakub : Sir, I have already expressed my intention of accepting the amendment of Diwan Bahadur Rangachariar, and I accept it.

The Honourable Sir Alexander Muddiman : Still, that would hardly prevent my commenting on the terms of the Resolution. However, I do not wish to take up the time of the House in doing so. I take it that the Honourable Member really wishes to say that he recognises his Resolution goes too far and he is prepared to withdraw it. I then turn to the amendment, which only varies a degree from the actual Resolution. It involves the establishment of a committee, an all-India conference of selected leaders of public opinion and experienced officials to examine the present communal situation in the country and make recommendations to regulate the performance of religious festivals, rites and ceremonies of the different communities in India. Now, that course is very very wide. It would involve inquiry, travelling over the whole of India, dealing with communities so different as the Christian and the Hindu, the Sikh and the Muhammadan, and there would be various other communities. (*Sir Hari Singh Gour :* “ And innumerable customs.”) And my Honourable friend, Sir Hari Singh Gour, says “ innumerable customs.” I do not think that an inquiry of that kind unless undertaken in circumstances where all the communities were earnestly desirous of obtaining the best results, would have any useful results. At a time when communal feeling is certainly not in that frame of mind, when the judicial examination of the question is not likely to be undertaken in a sober spirit, I fear that that in itself would be a very serious objection to the proposal.

Mr. K. Ahmed : Who abolished *Sati* during the time of Lord Bentinck ? (Laughter.)

The Honourable Sir Alexander Muddiman : I do not think it is necessary to deal with my Honourable friend on this occasion. As I said, the scope of the inquiry is far too wide to promise any useful result at any time. It would be an inquiry which, if it succeeded, would require the regulation of religious practices to an extent that I doubt if any legislature, composed such as ours is, could possibly undertake, and any Government, composed as ours is, could accept. The adjustment of rights between the different religious bodies—I use the word “rights” advisedly—is a matter on which it is extremely difficult to legislate. Where civil power can rightly impinge on religious observances is in the interests of public peace, in the interests of decency and in the interests of law and order. Any Government will be very unwise to legislate on such matters and a Government such as ours, which has claimed to grant complete tolerance of all religions, will be going back on the traditions which have been maintained unchallenged during the whole of our administration. While I make these criticisms—and there are other criticisms which could occur to me on the amendment—I am glad that my Honourable friend has brought it forward. I am sure that it was brought forward not in any spirit or with any desire to embarrass the executive Government or with any desire to create ill-feeling between the communities. It was brought forward perfectly *bona fide* and with every wish to assist us and I thank him for bringing it forward, though for the reasons I have stated. I am not in a position to accept it.

One other point that occurs to me is that any meeting of that kind, which was of an inquisitorial character and which endeavoured to settle disputed points would inevitably raise those very disputes which I am sure my Honourable friend is most anxious to avoid. Sir, the causes of these communal troubles I do not propose here and now to review. They are, I think, known in greater part to all the Members of this House. Those causes lie deep. They lie, as Sir Denys Bray in his very eloquent speech said, deeper than the material treatment of penal laws. They lie deeper than penal enactments. In any measure that I have brought forward before this House I have never put forward the argument that increased power, increased penal provision, will cure an evil of this kind. The House will be doing me justice to say that I have not employed that argument. I do not believe it and I have no wish at any time to use it as a ground for bringing forward that class of legislation. The cure for the disease which India is suffering from lies far deeper than that. It is to be found in the considerations which were so eloquently put forward in the speech of Sir Denys Bray. It is to be found in the words of His Excellency the Viceroy’s speech to the Chelmsford Club.

In conclusion I cannot help feeling that this debate will have served a very useful purpose even if it does not go much further. It has enabled the House to express its views on this very important question, to express them with dignity and restraint and it has enabled the Government to show that it is neither unmindful nor neglectful of the duties of Government in regard to this matter.

Raja Ghasanfar Ali Khan (North Punjab : Muhammadan) : I had no mind to take part in the discussion to-day but I am rising in response to the appeal made by the Honourable the Home Member that he was very

[Raja Ghazanfar Ali Khan.]

anxious to hear somebody from the area which was more affected by these communal riots. In my opinion the picture which has been drawn of these communal riots is darker than it actually is. I do not think the disease is so deep as the Honourable the Home Member thinks and I do not think the remedy is so very difficult. It is not the masses who are really anxious to fight but I think it is only a few leaders of both communities—not those responsible leaders, but unimportant men who for selfish motive are creating these troubles. Really, Sir, the differences between Muhammadans and Hindus in this country are not very great. With a little more understanding and with a little more education I think they can be settled at any time. I am afraid too much is being made of the situation. I do not know what are the reasons for that. After all, in such a big country as India, there is bound to be some clash, some bad feeling, and some trouble. But I think that if only the leaders of both the communities would seriously make up their minds and if they would realise that the situation is getting more serious every day, they can stop these quarrels in no time.

I was very pleased to hear from the Honourable the Home Member that he realises that the functions of the Government of India are two-fold. The first is the maintenance of law and order and the other is bringing in peace and reconciliation. When the Government realise that their object is not only to maintain law and order but also to bring in peace and reconciliation, I was very much disappointed to hear that the Honourable the Home Member was not prepared to accept this amendment which contains such a very reasonable demand. After all, what is it? It only recommends to Government to convene a meeting of the leaders of the various communities who will sit together and consider whether they can find out some means of settling these differences. As has been pointed out by many speakers before me, His Excellency the Viceroy has already impressed the hearts of many public men by his frankness and sincerity and I think if the Government were to accept this amendment and call such a conference, they will not only provide a great opportunity to the new Viceroy to come in close touch with the various members of the different communities but it will also be regarded as a serious and sincere step in the direction of Government's trying to bring about a reconciliation. After all, what harm would possibly come out of this conference! The worst thing which can happen—and which I do not think will happen—is that the conference will not be able to arrive at some definite decision. But what harm will be done? The situation will not grow more serious than it is at present. Sir, if one were seriously to consider the change that has taken place during the last 7 or 8 months, it is quite enough to convince any body, who has got the slightest love for this country, that matters are growing serious. I have been here in this House for the last three years and formerly, at every meeting, we used to talk about constitutional advance, we used to talk about Swaraj, we used to talk about our political rights. But now I do not hear a word about it either on the floor of this House, or in the lobbies, or in our private talks, or in our social gatherings. So this alone is enough to convince all the Indian leaders and all the communities that things are taking a very bad turn.

Nawab Sir Sahibzada Abdul Qaiyum: And still you say it is not very serious.

Raja Ghazanfar Ali Khan : I say it is not very serious when I hear such phrases, as "the disease is very deep" and "the remedy is very difficult". I do not believe it. I think it is not so deep. (*An Honourable Member* : "Question.") The recent riot at Delhi which took place about two or three days back only proves that the feelings are very much strained and no legislation can help to bring about a reconciliation. That a trifling quarrel between a Hindu peon and a Muslim shopkeeper should lead to a communal riot resulting in so many casualties on both sides, is really a great shame.

Khan Bahadur W. M. Hussanally (Sind : Muhammadan Rural) : What does that indicate ?

Raja Ghazanfar Ali Khan : It indicates that the feelings of both the communities have been strained by the mischievous propaganda, by the inflammatory speeches, by organising communal parties, and so on. Much has been made of music before mosques, cow slaughter and other things. These questions are not so serious that we cannot find a solution of them if we want to. There are only two ways of dealing with them. Either we should declare that everybody has got his own civil rights, and nobody has got any business to interfere with him, and that neither the Muhammadans have the right to stop music before mosques, nor the Hindus have the right to dictate to the Muhammadans that they should not take cows for slaughter along a certain route, or, if we think that there is no such thing as 'absolute right', then we can come to an agreement differently. We can tell the Hindus : "You please have some respect for our prayers and stop the music at prayer time. It will do you no harm." On the other hand, they can approach and request us : "Do not take the cows along a certain route because it is mainly populated by Hindus". In my city there were serious rumours that a riot might take place. Some of our Hindu friends had a talk with us about it. We said that we need not go to the court or the Government and that no trouble would arise. The matter was mutually decided in ten minutes.

Mr. K. Ahmed : What happened at Rawalpindi ?

Raja Ghazanfar Ali Khan : I am not here to give all the details of the riots that took place in various parts of the country. I am here to suggest in my own humble way, a solution of these. In my opinion if the conference is called they can very easily deal with three or four matters, which, in my opinion, are mainly responsible for the present state of affairs in the country. The first is the communal volunteers, whether they are Tanzeem or they are Mahabir Dal. They prove a source of trouble and menace. They must be given up. Mixed citizen guards of all the communities should be substituted. That is a question which can be decided at the conference. The second is these physical communal *akhars*. Every community has got a right to develop its physical strength by taking physical exercises, but the time when they were started and the way their physical strength is displayed in the bazaars are not likely to improve the situation. So no harm will be done if these *akhars* are thrown open to members of all communities. The third thing which has got into the minds of the masses is the question of conversion by unfair means. I do not think there is much in it, but any how this is a matter which through some irresponsible papers have poisoned the minds of religious people. I do not want to waste the time of the House by relating all the various things which are responsible for these communal riots. But the points

[Raja Ghazanfar Ali Khan.]

which I have just placed before the House, are such as can very easily be gone into by the leaders of all the communities. The only reason why the unity conferences of the leaders have hitherto failed is that other irrelevant questions have been allowed to creep into the discussion. If the Government can restrict the object of the conference to these four or five questions alone I am sure there will be no difficulty in arriving at a conclusion. In private conferences political questions are brought forward : the question of the number of seats, the question of separate and mixed electorates. These matters have absolutely nothing to do with the present troubles. There may be a group in the country who do not want separate electorates. But we can fight out the issue in a constitutional way. These political questions should not be mixed up with the religious question. We should deal with them separately, in the many constitutional ways open to us.

Nawab Sir Sahibzada Abdul Qaiyum : May I ask with your permission, Sir, what will be the composition of the conference, how are the Government to select the members, what should be the proportion of members of the different communities and who will appoint them ?

Raja Ghazanfar Ali Khan : I do not care about that. It is absolutely immaterial to my mind what the proportion of members of the various communities should be. There is His Excellency the Viceroy, the Home Member and the provincial Governors. The Viceroy can write to all the Governors of Provinces and ask them to nominate to that conference men who they think are really responsible men and have influence with their community. There will be no difficulty in finding such men. If anybody asks me I can give him the names and I would not miss out a single important man.

Nawab Sir Sahibzada Abdul Qaiyum : What about the so-called favouritism to Muslims ? There are suspicions.

Raja Ghazanfar Ali Khan : I do not take these rumours seriously. If somebody says the Government is showing undue favour to Muhammadans, it is entirely wrong and it is not necessary for me to bring in any arguments in support of that denial.

I want to finish, Sir, after making one or two more observations. So far as my community is concerned, I can assure the Government and I can assure the Hindu leaders, that we are really fed up with all these communal troubles. We are prepared to come to any reasonable settlement of all matters whether they are political or religious or social. We feel ashamed when we read in the papers that a certain place of worship of one community has been attacked by members of the other community. We feel ashamed when we hear that human life is being wasted on an ordinary excuse, under the name of religion. Religion has nothing to do with it. It is only personal enmities and personal ambitions which sometimes lead people to take part in communal fights. With these few remarks, Sir, I strongly support the amendment of my Honourable friend Diwan Bahadur Rangachariar, and I earnestly appeal to the Government Benches that though this demand has no voting majority behind it, they should see their way to accede to our wishes. By doing this they will not only oblige us sitting on this side and who are always ready to co-operate with them, but they will also repudiate the suggestion which is going round in some circles that the Government is, if not actively instigating these riots, at least showing indifference and inaction. This will be giving a practical proof that

these rumours are absolutely wrong. I know that the maintenance of law and order is a provincial matter and that the Local Governments are in a better position to deal with it, but the abnormal state of affairs which now exists in the country has made it an all-India question. Of course such a conference can settle the fundamental principles only and the Local Governments can be entrusted to deal with the details. Is there a problem which has no remedy? There is the question of rumours in these irresponsible papers. The Provincial Governments can open publicity bureau to be run if necessary by non-officials, which can issue daily or bi-weekly papers, contradicting all these rumours spread by the various irresponsible editors of newspapers. If they only decide to do it, they can do it in a very little time.

Colonel J. D. Crawford (Bengal : European) : Sir, I rise with considerable diffidence to take part in this debate, and I must admit that I am overburdened with the sense of responsibility that attaches to anyone who speaks on this difficult and very delicate problem. The high tone of the speakers who have preceded me makes me fear that I myself may not be able to rise to the heights to which they did. Both the speeches of my Honourable friends, Dr. Datta and Sir Denys Bray, have made a very great appeal to me. The European community in India is as much concerned with the establishment of communal concord throughout India as is any other community in India, and I was very glad to hear the Home Member say in reply to Dr. Datta that he felt it the duty of every community in India to lend its hand and to vote on this important question. The problem is a very serious one : upon its solution depends the measure and the rapidity of India's advance, and there can be no one who lives in India to-day, whose life is spent in India, whose work lies in India, who cannot wish to see the country advance materially, economically and politically. The problem of communal discord and unrest inside India is one that makes our defence problems very much more difficult ; and that is an aspect of the case which urges me to appeal for a greater measure of consideration of this problem than I know Government has already given it. There are a Resolution and an amendment before the House. I do not like either the Resolution or the amendment. But they seem to have one fundamental principle underlying them, and that is an appeal from the non-official Benches to the Government of India to help in the solution of this problem. Now that is a point which I wish to elaborate. I believe that this big communal problem is not a provincial problem. True, as the Home Member said, the majority of the work will have to be done by the district officer and the local magnate, and I would here pay a tribute to the way in which district officers have done so much to help to assuage the tension that exists to-day. (Applause.) But there is a feeling throughout the country that the Government of India might come more readily to our help, and that feeling has grown since the speech of His Excellency the Viceroy at the Chelmsford Club—a speech the sincerity of which has struck a responsive note in the heart of every Indian in this country. (Applause.) The Home Member said that we should face facts, and whilst I do not like the wording of the Resolution which asks for a conference under the aegis of the Government of India, I do feel that there are factors in the situation and facts in the situation which might urge the Government of India again to consider whether it cannot hold out both hands and bring the communities together by

[Colonel J. D. Crawford.]

a discussion of this problem. The communal problem, to my mind, is two-fold. You have, if I may so put it, the original rivalry of two great religions in this country. That is a problem that has been with us for centuries and which will be with us until education brings with it a spirit of mutual toleration. But there is the crisis with which we deal at the moment, the extreme tension that has been given to those religious feelings. What is that due to? We all know it in this House. It is due to the fight for political power. The country is beginning to realise that the Reforms have meant something and the communities are organising to take their share in the government of the country, not only Hindus, not only Muhammadans, but Europeans too. That is what lies at the bottom of much of our trouble to-day; and I who have seen a good deal of this trouble in the province from which I come, Bengal, realise that it gained considerable force from the fact that one big community refused to come in and work the Reforms for what they were worth. It gave an opportunity to the minority community to make a bid for power for its own purposes. It is a matter of very great regret, but there it lies, the trouble, that is, the extreme tension to-day, is due entirely to political causes. Now there have been suggestions made which are worth, to my mind, the consideration of a conference under the aegis of the Government of India. We have heard some talk of communal electorate, that the evil lies in communal electorates. I do not propose at the moment to discuss that particular problem. But I would remind the House of a certain correspondence which took place in the *Pioneer* shortly after the rioting in Calcutta in which Sir Tej Bahadur Sapru suggested a certain method of stopping the trouble. He suggested that in those districts in which riots took place the whole district should be disenfranchised and to that proposal even my friend Pandit Motilal Nehru lent support. Now, I do not believe that the proposal was practical and I think it was far too severe. But to my mind it indicated another direction in which we could find some reason for these communal troubles. It means to my mind that the electorates were not sufficiently educated themselves to resist exploitation at the hands of persons who desired to press their own personal ambitions and it struck me that possibly in a conference we might find something better, something which would not lay the masses open to having their religion exploited for political purposes. Those are points which I feel that a conference under the aegis of the Government of India might certainly examine and if it was not possible to take action early, it would anyhow give a line for consideration of this particular aspect of the problem when next the Royal Commission visits India. I feel that in troubles of this nature, the Government must take action. I know they have been doing much, but I feel that their action has not always been perhaps as strong and as firm as is necessary. I have already paid my tribute to the district officer, but I feel that the fault sometimes lies in the Secretariat where men have for long years left their districts and been out of touch with the actual feeling in the country and there might be something in suggesting to the Government of India and to Provincial Governments the more frequent change of their officers in the Secretariat in the way that the General Staff at Army Headquarters does with its military officers.

The Home Member has declared the policy of the Government to be two-fold, the maintenance of law and order—and I hope all will take note of that—and the promotion of conciliation. If the latter is

the policy of the Government of India, then I feel that there can be no harm and there may be an advantage in getting together under the aegis of the Government of India men of position to study this particular question. Admittedly, the cure really lies within. I would remind the House of the occasions on which Members of this House have abused other communities either by pressing the privileges of their own community or by curtailing the privileges of others. I have spoken on a previous occasion of the fact that the good-will which might be forthcoming from my community is often put back many years by remarks which fall from the lips of Members of this House. There has been political growth built up by teaching racial hatred. There has been racial hatred preached against Great Britain. What this country wants is not racial hatred but good-will. You have preached racial hatred and now it has spread to communal hatred and is spreading to individual hatred. We desire—I think all of us earnestly desire—to find some solution of this difficult problem. We all want to help India on the road to her eventual goal, but it cannot be done without the spirit of good-will. I would make an earnest appeal that every Member should endeavour on all occasions to create that spirit of good-will rather than to create one of communal hatred or racial hatred. Finally, I may assure the non-official Members of this House, the members of both big communities, that they can rely on the European community in India to lend its hand to them in the solution of their real difficulties. The solution lies in 'courtesy and' in toleration. I might suggest to them that they try what is tried with members of my community when they come out here. We are taught what we should not do to offend Muhammadan susceptibilities. We are taught what we should not do to offend Hindu susceptibilities and we would go a long way to give up a considerable amount of our own privileges to avoid offending other communities. If this could be done amongst their own young men, I feel we would have gone a long way to have eased the present tension. Generally, I am myself in favour of the Government of India considering the possibility of calling a conference not on the terms of the Resolution of my Honourable friend Diwan Bahadur T. Rangachariar, which I cannot support, but under the leadership of His Excellency the Viceroy and under the aegis of the Government of India where we might come together and help at least to ease the existing tension.

Mr. K. C. Roy : Sir, as the Honourable the Home Member has not been able to accept the substantive proposition moved by my friend Maulvi Muhammad Yakub and also the amendment moved by my friend Diwan Bahadur T. Rangachariar, I beg leave to move my motion in substitution of the original Resolution moved by Maulvi Muhammad Yakub. My motion runs as follows :

" This Assembly recommends to the Governor General in Council that he may be pleased to convene an All-India Conference of leaders of public opinion and experienced officials to examine the present communal situation in the country and make recommendations."

Sir, mine is a very simple proposition. Sir Denys Bray has addressed a fervent moral appeal to the Indian nation. I make an appeal to the Honourable the Home Member to accept my Resolution. My Resolution will leave ample scope to the Government of India to do what they like. Sahibzada Sir Abdul Qaiyum asked who would convene the conference and who are to be its members. These matters are entirely left in my Resolution to the Governor General in Council. His Excellency may be pleased

[Mr. K. C. Roy.]

to call the leaders of public opinion belonging to Hindus, Muhammadans, Europeans and other minority communities which my friends Dr. S. K. Datta and Mr. Dumasia represent here. The conference will be of a mere advisory character. It will lay no obligation upon the Government of India. The Government of India will be free to accept or reject the advice ; but, Sir, I feel that as an earnest of the intentions of the Government of India, the time has come when they should make a move.

My reasons for urging my proposition are three. Sir Alexander Muddiman has already accepted the position that Government in this country are responsible for the maintenance of law and order ; but, Sir, whomever the primary responsibility belongs to, the supreme responsibility undoubtedly belongs to the Government of India. Have they discharged this function ? I shall ask for an answer from the Home Office. Moreover, Sir, can they discharge this function without settling these communal differences ? This is a matter, Sir, which I am quite sure was visualised by the Joint Committee. The matter was fully examined at considerable length in paragraphs 3 and 5 of their Report ; that is the relative responsibility of the Supreme Government and of the Provinces. This is what they set forth :

“ For guardianship of the peace the Governor General in Council should remain in undisturbed responsibility to Parliament and should be fully equipped with the necessary powers to fulfil that responsibility.”

That responsibility, Sir, I say has not been adequately discharged and, therefore, I suggest that the Government should convene this conference to take stock of the position and make recommendations to His Majesty's Government.

Sir, my second reason for urging this conference on the Government of India is the great obligation which His Majesty's Government has laid upon the Government of India to prepare India for self-government. Sir, can this be done without settling this communal question ? This can never be done without a permanent settlement of this question, and the only party, I feel, who can settle this question is the Government of India, for they alone have the authority and the necessary power. Sir, what is the basic cause of the discontent ? Music before mosques is a mere symptom. The basic cause is entirely political. For the first time since the Reforms, the people of India have realised the power of the vote. They have also appreciated the fact that progressive realisation of responsible government means gradual transference of authority from British subjects to His Majesty's Indian subjects. We have realised for the first time that we are now fighting for the loaves and fishes. This conference, if it is held by the Government of India, will be in a position to examine this question and prepare the way for the Royal Commission in 1929. It is no use playing hide and seek with it ; we must face the question, and the sooner the Government of India makes up its mind to convene this conference the better it will be not only for the country, but for the Government of India.

Sir, the next point to which reference has been made is about the failure of the leaders. I do not believe they have failed. I know most of the leaders, I have enjoyed their friendship and confidence ; they have not failed, the people who follow have failed. We have not that national discipline which should be inherent in a nation seeking self-government.

Sir, what is the good of convening a conference of leaders ? Mr. C. R. Das tried the Bengal Pact in Bengal. What was the result ? Was the Bengal Pact ratified by the people of Bengal ? Never. What has been done in Western countries since the war ? All great national questions of importance have been subjected to a plebiscite ! If you look at Eastern European countries nearest to us, you will find many instances of the same arrangement. Can we subject our question to a plebiscite ? We cannot. If we are going to settle this question, the Government of India must consider it in consultation with the leaders of public opinion. That, Sir, is the only way. No other way is open to us, and I appeal to the Government of India to accept my Resolution and thus make a beginning in the solution of a problem which is menacing civil liberty and lowering the respect for lawful authority. Sir, I commend my Resolution to the House.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

***Sir Hari Singh Gour :** Sir, the Resolution and the amendment and indeed the other amendments which follow on the same lines suggesting the holding of an all-India conference or committee for the purpose of making recommendations to regulate the performance of religious festivals.....

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadian Urban) : Sir, in order to facilitate further discussion I may say, speaking for myself, I should like to withdraw my amendment in favour of Mr. K. C. Roy's.

The Honourable Sir Alexander Muddiman : If the original Resolution is withdrawn and the second amendment is withdrawn, then, Sir, I think there is nothing left to discuss.

Mr. President : The Honourable Member knows that neither the Resolution nor the amendment can be withdrawn without the leave of the House. Sir Hari Singh Gour.

Sir Hari Singh Gour : Sir. I was going to say that the various amendments of which notices are on the paper all convey the same idea, namely, the holding of a conference or the constitution of a committee to make certain recommendations on the performance of religious festivals and other rites and ceremonies of the different communities in India. Now, Sir, I look at the question from a different point of view. The first thing I think we must enquire into is the cause of the present communal tension in the country. Honourable Members are aware that this communal tension is confined only to British India. We have large States like Hyderabad and Kashmir where.....

Sir Denys-Bray : Sir, I rise to a point of order. Is the Honourable Member in order in referring to the Indian States and their administration ?

Pandit Madan Mohan Malaviya : Certainly.

Lala Lajpat Rai : Why not ?

*Speech not corrected by the Honourable Member.

Mr. President : Sir Hari Singh Gour.

Sir Hari Singh Gour : Where such tension is non-existent.....

The Honourable Sir Alexander Muddiman : What !

Sir Hari Singh Gour : And when it does exist it comes to a very prompt and sudden close. Now what is the reason ? Why is it that in British India we have this incessant communal tension ? I beg to suggest that it is the natural outcome of the liberalisation of the policy of the Government of India, and if Honourable Members will only cast a glance at the map of Europe and Asia, they will find that with the advent of modern democracy and the replacement of old ideals of government there has been a general world-wide unrest caused by the awakening of the East and the realisation of their rights and responsibilities by the people. Therefore, so far as the communal tension in this country is concerned, I heard Members on both sides and belonging to both communities adverting to the fact that these tensions are religious in appearance but in reality political. My friends will therefore remember that any cure that you suggest for the settlement of religious ceremonies and rites will not be a cure that goes to the root of the situation. We have, therefore, to find a remedy for the political discontent of the country. All communities now realise that with the advent of responsible government in the country larger powers have been given to the people and still larger powers will be given in the near future, and consequently the members of both communities are naturally anxious to set their house in order. They are organising themselves and they are asking the Government and those responsible for the administration of the country to recognise their rights.

That, I submit, is the real issue, and I beg to suggest that in India that issue has come to the forefront on account of the historic causes which have led to the evolution of Indian society. Long before we understood politics we understood religion and long before we understood religion we understood communities. The communal tie has been the genesis of all society, eastern and western. In the early days of Rome and Greece and in the mediaeval period of English history and Irish history communal feuds and communal assertions of rights were as common and as violently and virulently asserted as they could ever have been asserted during the apex of Indian tension in the metropolis of Bengal and elsewhere. Now, Sir, that I submit is the real situation. We understand communalism ; we understand religion ; but so far as politics is concerned, our education is of recent growth and it is on that ground that I have always been a supporter of the Reform Act of 1919. It has brought into the arena of practical politics the realisation of responsible government, and with it a duty cast upon the people of this country to understand the meaning of politics. Well, Sir, immediately after the enactment of the Reform Act an attempt was made to educate public opinion in this country in the art of government through the instrumentality of communalistic and religious teaching. The result has been that the country was galvanised into a new life and we felt for the time being that this life showed a manifestation of a dormant vitality possessed by our people and that it had come to stay. But the immediate causes which made the alliance of religion and politics became more or less shadowy and people very soon forgot the new lessons they had learnt about politics but remembered the adhesion to religious precepts and customs. The result has been that the religious instinct, being stimulated by an artificial means inculcated in the wake of the Reform Act of 1919, has left an aftermath in the

revolts and exhibitions of lawlessness which the country is witnessing to-day: That seems to me, Sir, the historical origin of this so-called communal tension in this country; and, if that is the case, I beg to ask Honourable Members here how any committee or conference can really solve the great problem with which this country is confronted here and to-day.

Let me idealise for a moment the result of a committee or conference on the lines suggested by Diwan Bahadur Rangachariar or on the lines suggested by Mr. Roy. If a conference is held and they make certain recommendations, how are those recommendations to be carried out? Those recommendations, I submit, do not in themselves carry any sanction behind them; and if the Government of India become associated with these conferences, their recommendations will morally, if not legally, bind the Government of India. The result of that will be that the political question will be visualised through the very narrowest spectacles of communal strife, communal dissensions and communal compromises. Is this right for the whole of India? Is it right, I ask any Honourable Member, for the good of the future government of this country and for what we have been crying for, for the larger reforms that we want in the administration of this country? Are we to see through this myopic vision the very large question that looms in the horizon as to the future of the Indian people? I ask, Sir, that the first thing that the Honourable Members of this House should do is to take a long view of the situation, and the Honourable the Home Member has rightly pointed out that if you can change your angle of vision, and I add to that, if the people of India and the leaders of both communities began to think in terms national instead of in terms communalistic or religious, then we shall have made a real beginning towards the political emancipation of the people of this country. That, I submit, is the first necessity. People must understand that politics is an art of government and has nothing whatever to do with either communalism or religion and that it can only be learnt by trying. You cannot....

Mr. K. Ahmed : How can you forget your religion?

Sir Hari Singh Gour : If you cannot forget your religion, you have, at any rate, to give it a proper place and see that politics is not mixed up with questions of religion. The two things are quite apart, and European culture and civilization would not have been what they are had there not been the divorce of the Church from the State. That is the first thing, I submit, that this country requires. We have to educate public opinion and explain to the people, the intelligentsia as well as the masses, that politics is something distinct and different from communalism or religion, and I venture to submit that, the moment we have learnt that lesson, we have learnt a good deal. That, I submit, is the first thing that we have to do. How can any conference, how can any committee, however representative, however influential, decide this great question which must, I submit, spring in the heart and be carried to the brain? I, therefore, beg to submit that the cure which has been suggested in all the Resolutions and amendments is really not the cure for the present state of discontent in this country.

Well, Sir, I have been speaking so far only on the Resolution. Turning now to amendments, my Honourable friend Diwan Bahadur Rangachariar is not enamoured of the wording of his own amendment. He protested when he spoke on his amendment that his amendment was

[Sir Hari Singh Gour.]

not ideal, and he has since confessed that his amendment is not even workable. He therefore wishes now to support Mr. K. C. Roy's amendment, and he says that this amendment should be superseded by that of Mr. K. C. Roy. Now, let me examine Mr. K. C. Roy's amendment. Mr. Roy's amendment, though briefer, does not carry the matter any further, and I venture to submit it is, if I may be permitted to say so, too wide. Now, what does Mr. K. C. Roy want? He wants an all-India Conference, of which my friend Diwan Bahadur is enamoured, of the leaders of public opinion (who shall be the judge of the leaders of public opinion we know not) and experienced officials to examine the present communal situation and make recommendations. That is all that he wants. Now, I beg to ask, will that satisfy anyone of us? If the question is how to allay the discontent which it is now confessed and confessed openly is purely political, and if it is intended to give all the major communities of this country a reasonable safeguard in the present and further reforms and administration of this country, how is any solution possible if you are merely to say that you shall not beat your drums when you come up against a particular mosque or that you shall lead a cow along a backyard of a man's house instead of his front gate. (Mr. K. C. Roy : "Nobody ever said so.") We have been told, Sir, by my friend Raja Ghazanfar Ali Khan that all that you want now is, first of all to stop the conversions, stop the *akharas*, and also stop, he says, the playing of music and the slaughter of cows and then we shall have come nearer to the millenium. (Raja Ghazanfar Ali Khan : "I never said that, Sir.") I am glad, Sir, he never said it, because I have too high an opinion of the Raja ever to believe that he could have thought this slight panacea, this *mantrum*, this talisman, this charm, would immediately exorcise the causes of discontent and malcontent in this country. I submit, Sir, that nothing that can be suggested by Members on both sides of the House, and which has been suggested, will ever settle the differences between the two communities until and unless the Government of India courageously grapple with the situation and take up this question along with the root cause of the discontent, namely, the future government of this country. And I venture to submit, and I have submitted it, Sir, ever since I became a Member of this House, that the time has come for the appointment of a Royal Commission that will go into the whole future of the reforms in this country and alongside of the reforms take up the causes which lead to the discontent and communal tension in this country and settle them once for all in a manner which will be final, conclusive and authoritative, and will have the imprimatur of the high authority of Parliament. That is what we have been crying for. That is what we have been repeating in session after session and, I may suggest once more, and I think Diwan Bahadur Rangachariar will not protest if I suggest once more that, if the Honourable the Home Member can advise the authorities at home and here to accelerate the pace of the formation of a Royal Commission to take up this and other allied questions, it will go far to allay the discontent in this country, and this will be then regarded as only one branch of the various items of inquiry which that Royal Commission will have to undertake and it will give the people an assurance that there is an authoritative body of men inquiring into the genesis and the future of the administration and of the form of government of this country. If that were the Resolution.....

Mr. President : Order, order. I am afraid I must ask the Honourable Member to conclude his remarks.

Sir Hari Singh Gour : If that, Sir, were the Resolution, I would have given my support to it, but I do not see how any conference, however influential, would ever solve the problem, and if I may be permitted here to add a word in support of my own amendment which has not yet been moved.....

Mr. President : Order, order. The Honourable Member has exhausted his time. He must now bring his remarks to a close.

Sir Hari Singh Gour :they will see that I shall amply justify the notice I have given of my amendment and which I submit will serve the immediate purpose which the authors of the Resolution and the amendments have in view.

Mr. J. Sheepshanks (Bombay : European) : Sir, I trust I will have the sympathy of the Honourable Members in, as a junior Member of this House, rising to make my maiden speech on a subject of such great importance. In considering whether I would speak and what I would say, I have had constantly before my mind "Fools rush in where angels fear to tread". (*An Honourable Member* : "Swaraj Benches".) Therefore, I do not propose to discuss or to raise any of the causes, differences or results of this tension that is going on. All that I wish to do is to submit to this Honourable Assembly, and especially to the representatives of the two great communities, a simple rule consisting of three words only which forms an invaluable guide to the conduct of all controversies. In fact this rule applies to all differences of opinion from private differences up to international. It is a rule so simple in its construction and so wide in its application that it bears the mark of great experience and genius and therefore does not originate from me. It bears the authority of the greatest Liberal statesman of modern history. I refer to Mr. William Ewart Gladstone. These are his words : "Never impute motives"—"Never impute motives". The more you think of those words, the more you analyse them, the broader their scope and the more apparent becomes their value. Sir, I was brought up under the influence of this rule. My family were all strong Liberals and staunch supporters of Mr. Gladstone and his successors. (Hear, hear.) However, I at the age of 10 decided that I could no longer support Liberal politics, (Laughter) and I announced to my family my adherence to the Conservative Party. I admit that, that Party remained, and still remains, in blissful ignorance of this accession to its ranks. However, in view of the present position of the Liberal Party at home I think I can claim a certain amount of political farsightedness even at that early age. Well, Sir, there was I, a lone Conservative lamb, amongst a horde of liberals, with the obvious result that arguments and statements as to the respective virtues of the two parties were frequent and tended to become more and more forceful and trenchant till I was checked by those words : "Never impute motives." And this went on from year to year till finally these words, their application and bearing became impressed on my mind, and during the rest of my life, in whatever country I have been living, mixing with different races and classes, seeing, hearing, observing the various controversies whether social, political or international, it has always struck me that there has been a practically entire neglect of this golden rule.

[Mr. J. Sheepshanks.]

I submit to this House that if in India during the past months these words had been observed both in the letter and in the spirit, then, Sir, most of the speeches, most of the pamphlets and most of the newspaper articles which all deplore would never have appeared, with what value to the country and to the two communities, I think the House can judge. The leaders of these parties have given their assurances that they would leave no stone unturned, that they would use all their resources, that they would explore all avenues, to come to a mutual agreement. I suggest that here is a path which has not yet been tried. I would ask them to give their serious contemplation to the meaning of these three words, "Never impute motives" and work out in their own minds what would be the result in India, if they adopted them and with all their hearts and brains saw that they were carried out to the fullest possible extent. If that is done, I submit that the atmosphere would become purer, suspicions and differences would disappear and in a short time the leaders could meet again in conference with far brighter prospects of a successful issue to their labours than has existed in the past or exists at the present time. Therefore, I give my opinion that the present is not the time for a conference.

Lala Lajpat Rai : I rise to oppose both the Resolution and the amendments. I do not want to make a speech. I tried my best to avoid it but I am practically forced to make a speech and make the observations I am going to make. I realised after I had heard the speeches to-day, why the Honourable Members were not in agreement with my motion for adjournment. They wanted to make speeches. What is the substance of this debate so far? With the exception of one or two speeches, Sir, the burden of the speeches of most of the Indian speakers was the praise of the Government and the Government officials and the denunciation of the so-called leaders. Nobody had the courage to give a list of those leaders who were thus condemned and denounced. We were told very seriously that some of those leaders were fomenting these quarrels for the purpose of their own leadership. We were told that they had not made serious efforts to bring about peace. We were not told what those serious efforts were which they did not make, and how they could mend their ways. Anyhow I do not want to dilate on that point very much. We are all very fond of getting compliments from the Honourable the Home Member for restraint, moderation and fairness. Most of the Members have attempted to get that praise, and I congratulate them on their success. Restraint is a very good quality especially in a legislature, as speeches made therein will practically be broadcasted throughout the length and breadth of this country. It is a very good quality. I approve of it and I praise it, but in a question of this kind mere restraint is not the quality that is needed, for the solution of the problem. During all this debate the Members have talked as if there were only two parties to this quarrel. I differ from that view. There are three parties to the situation,—the Hindus, the Muhammadans and the Government and no solution of this problem can be effective or sufficiently far-reaching, unless all the three parties sit together and frankly and openly, exercising due restraint, put forward their points of view and say what they wish to do. No man is more ashamed of what we have been doing. No one has been more humiliated than I have been. While I was in Europe, everywhere I was confronted

with the tales of these riots and I had to hang my head in shame. No

3 P.M.

one is more pained by these occurrences than my humble self ; but all the same I do not think soft words, commonplace phrases, and platitudes, are going to solve the problem. We, the members of the Indian nation, cannot afford to carry our hearts on our sleeves. We have to meet the situation boldly and, as Sir Hari Singh Gour pointed out, to probe into the root causes of the disease and find out remedies which may remove those root causes. Otherwise all this treatment will be only symptomatic. You may suppress a riot here and a riot there by a judicious combination of conciliatory phrases and by enlisting the services of local men ; but you will not stop them for good and you will not be evolving a permanent remedy. Sir, the causes of these riots are not local ; they are not even all-Indian ; there are world causes that are operating underneath these quarrels. I wish the Honourable Members to understand the effect of the great world movement upon the Indian movement. The Indian movement is not an isolated movement ; it is not an isolated phase. Therefore we must not wear our hearts on our sleeves, as I have said, but take the situation as it is and try to make it as easy as we can under the circumstances. I can well understand the Honourable the Home Member's statement that it is the local officers who can influence the masses. That is only possible under an absolute (despotic) Government. Under a despotic Government's rule one man is always more powerful and effective for the preservation of peace than under any democratic Government. But peace is not the only object of life. A death-like peace is not the thing we are striving after. We want life, and in life we must have strife and struggle. We cannot avoid that ; only we should delete all personal passions and prejudices as far as possible—all meanness, all pettiness, all low-mindedness from that strife and struggle. If we can do that we shall be honourably discharging our duties. Otherwise we will be making ourselves liable to the accusation by others that we are conducting these struggles by mean methods. But, Sir, human beings are human beings. I know of no part of the world, and of no epoch of history, where the struggle and strife for liberty, the struggle for freedom, has been entirely free from that mean and petty low-mindedness which at the present moment we are witnessing in India in these communal troubles. I do not want to encourage them. By all means try to avoid them, to eliminate them, to destroy them by all legitimate means. But let us not be obsessed by the idea that because we are quarrelling and there are these riots and struggles, therefore we are losing everything. Let us not forget that in the history of the world, this is an epoch of class struggles and communal wars. May I remind the Honourable Members on the other side, of what happened in England at the time of the suffragette struggle, when the women were struggling for votes ? Again what happens now in Europe in the class war between capital and labour ? And what happens in countries where a religious element is still present and powerful ? The phenomenon that we are now seeing in India is by no means isolated ; it is by no means extraordinary. It is the result of world forces, no doubt polluted to a certain extent by our narrowmindedness in matters of religion. In this respect, Sir, I want to say this, that we should not look at this problem in this way. All of us no doubt can contribute to ease the situation as much as possible, to eliminate the obnoxious elements ; but let us not run away with the idea that this kind of talk, as has been indulged in in this House to-day, will help us in solving the problem.

[Lala Lajpat Rai.]

Now, Sir, in that connection I wish to say one word complimentary to the British nation. I was in England during the time of the general strike. The general strike was a huge revolution. The British nation passed through it with comparative peace, with a great deal of steadiness of character, because, at the present moment in the world there is no perfected democracy better and more steady than that of Great Britain. But it is not so in all countries. We read every day of class quarrels, class riots, class struggles, in France, in Germany, in Russia, in Italy, even in that small place called Switzerland, in America and every other country. Are there any religious quarrels there? Are there any quarrels about music before mosques or about cow slaughter? Still we find that there are widespread riots, a good deal of bloodshed, a good deal of struggle and breaking of heads. What are these small countries compared with this big sub-continent consisting of 315 millions of people and of one million and some odd miles perhaps, of area of land? What are those countries? This is a vast humanity with which we are dealing. Let us not talk superficially, and of superficial causes, but let us go deep to the world causes that are practically moulding us, taking us onwards,—we do not know towards destruction or towards salvation: Where we shall go, when we shall reach the goal is in the hands of the gods. We cannot foretell when we shall be at the end of the struggle. If you want complete peace in this country, as some people would want it, go back to your absolute rule, but I suppose nobody in this House would advocate that course. If you do not want quite that kind of absolute peace, if you want to have a democratic form of Government, we shall have to pass through this phase which though transient is inevitable. With very great respect and humility, I would submit that the only course to make that transition shorter and less bloodier and less fraught with these quarrels, is to solve the problem of Swaraj and self-government as soon as possible. Give us a final constitution. Therein you can solve the Hindu-Muhammadan problem for good. Let the different stages come automatically if we must have stages. Let the struggle for power between the religious communities inhabiting this country cease, and then there will be all peace, everything will be settled; otherwise it will not be settled by your pious wishes or by any amount of pious Resolutions.

Well, Sir, the Muhammadans are according to their views quite right, and the Hindus are also quite right in the way in which they look at the political and economic problems of the country. Dr. Datta gave out one-half of the truth. Colonel Crawford spoke the other half of the truth: the reasons at the bottom are economic and political; and as my Honourable friend, Colonel Crawford, said, every community wants to consolidate its power. My Honourable friend complained of the element of racial hatred present. If racial hatred means struggling against vested interests, claiming our rights and privileges, then surely he is not right in calling such an attitude racial hatred. But if there is any man who indulges in racial hatred of Englishmen because of the simple fact that they are Englishmen, then I think he is doing a mean thing, a low thing, a thing undoubtedly to be deprecated and to be condemned. Nobody, no responsible man in this country stands for disseminating racial hatred in that way. But if racial hatred comes out of our struggle, out of our attack on vested interests and out of our demands for rights against people who withhold those rights, then I am afraid that that element of racial hatred cannot be eliminated at all from

discussions in this Assembly or discussions outside, and there is no use talking of such racial hatred. That will continue to go on as it has done in the past. But at the same time I want to say this much, that all these things have to be looked at from a broad point of view. We are in a struggle. Everything, as somebody pointed out, is in a condition of unrest. Nobody knows what is going to happen to-morrow. The Muhammadans are afraid lest being in a minority they might be swamped away by the Hindus. The Hindus are afraid lest the Muhammadans by gaining extraordinary strength with the help of their foreign brothers might sweep them down and ruin them. Owing to that very circumstance, some friends here might be very happy for this statement being made, because in their eyes the only logical conclusion then would be that the British Government must stay here for ever and that the present system of rule should continue for ever. We cannot accept that proposition, Sir. Some people may like that proposition, but we cannot accept it. We have to face these troubles. We have to face these trials. We have to face all these misfortunes. We have to continue to carry on our struggle for freedom. I am very grateful to His Excellency the Viceroy for the admirable speeches he has made and I think all the speeches delivered here put together will not have a better effect than the speeches made by His Excellency the Viceroy. We have not contributed as much to that atmosphere of peace and good-will as the Viceroy did by his speeches in his own sweet words. We have been making speeches, very cleverly, with restraint as the Honourable Member said, but all the same keeping our points of view the only speeches which I think were made without diplomacy and which came from the heart, without reference to the prestige of the Civil Service, or the interests of the Moslem community, or the interests of the Hindu community, were those speeches. I have read them and I have read them with admiration. I wish this House had followed the same example and spoken with absolute sincerity. I do not attribute any motives. I do not say that anybody has not spoken with sincerity. But I do not think that any speech in this House has been made without reservations and without an eye to what its effect will be either on the electorates or on the Anglo-Indian Press or on the Press in England or on the coming Royal Commission. All these things have been kept in view in the speeches. I personally am not enamoured of Royal Commissions as my Honourable friend Sir Hari Singh Gour perhaps is. What I want is a permanent settlement. You may not give us all that we want at once. You may fix a time, you may fix a period; you may give us only certain departments, but if you can permanently settle the constitution of India with automatic stages if it is desired that there should be stages, then that will knock the bottom out of these communal controversies. The only way to settle this problem once for all is to settle the constitution, providing for the protection of the rights of the minorities and settling all questions of communal electorates or communal representation. In my opinion, Sir, that is the only solution of the problem, that is the only effective solution.

Now, I want to say one word more. Many hints and many insinuations have been made with reference to me and against me in this House for the last two or three days, particularly about my views on communal representation and communal electorates. I am not at all ashamed of my views on the question of communal representation and communal electorates. I believe in the birth of a national consciousness, I believe in progress towards nationhood. During this progress we must pass through

[Lala Lajpat Rai.]

these travails and I do honestly say and I say it with all the emphasis that I can command that communal representation and separate electorates are the last things to make us a nation. My Muslim friends do not agree. Some of the Honourable Members have said that if these communal electorates had not existed more blood would have been shed. I do not agree with that view at all. Many praises have been showered on Government also for their impartiality. But this fact remains undisputed, that within the last five years, communal tension has been growing every day; every day and every week and every year there has been progress in this communal tension. Why, I ask, if the Government have tried their best and if these friends have tried their best, why has this communal tension been growing? Is it not due to the fact that the far off Royal Commission is kept in sight by many people? That fact is a real fact. But at the same time I may assure my friends that I have absolutely no desire to make any move for disturbing the Lucknow Pact without a general agreement of all parties concerned. The provision for separate electorates or communal representation cannot be done away with without the general agreement of the Muhammadan community. But at the same time if my friends, the Muhammadans, want a change in the Lucknow Pact, an extension of it, or an alteration of it, they must be prepared for the whole question being reopened and all the arguments against communal representation and communal electorates being adduced. So, I think the whole situation is inseparable from the atmosphere and from the circumstances of the case and the country and from the circumstances through which we are passing. Let us all honorably, sincerely, honestly, say that all these low methods, all this fanaticism, all this low-mindedness, all this pettiness, may be eliminated from this discussion. Let us carry on our struggle for the purpose of safeguarding our rights from our different points of view like sportsmen—in a constitutional way—by argument and by other methods but not by promoting or encouraging these riots.

Mr. K. Ahmed : Example is better than precept.

Lala Lajpat Rai : Mr. Kabeerud-Din will allow me to say that I have never done a single thing in my life to promote discord. From my place in the Congress at Belgaum when discussing the Kohat Resolution I exhorted my Hindu countrymen never to think of retaliation or revenge. I have said all that.

(Mr. K. Ahmed rose to interrupt.)

Mr. President : Order, order.

Lala Lajpat Rai : I think my Honourable friend will not find a single word in my speeches which goes to promote discord. If they expect me to give up my point of view, just because they want to intimidate me in this way, they will never succeed. I have certain beliefs. I have certain principles, for which I stand and no amount of coercion or intimidation in any shape or manner will persuade me to deviate one inch from those principles. Let them run me down to any extent they like. I quite grant that they are also honestly anxious in their struggle for their community. Equally honest are the Hindus to watch their interests. Let that struggle be decided by mutual toleration, discussion, by argument and by the force of circumstances rather than by any show of force or any other method of that kind. These methods

whether they are adopted by Hindus, Muhammadans or by Sikhs or by anybody else I condemn most severely from the floor of this House. There should be no show of criminal force, coercion or intimidation in connection with these outstanding questions of our country. We must settle them sooner or later and it is much better if we settle them in a spirit of good-will. After all, we have to live in this country. Therefore, nobody advocates—I do not advocate—intimidation or resort to force for the purpose of solving these problems. But I beg of Honourable Members in this House for the last time to remember that we are not isolated atoms of this world which is composed of so many atoms, so many forces and so many elements. We are only a small portion, though from the point of view of numbers and from the point of view of the miles of area that we occupy, we are a big part of this world. We are influenced by steamers, telegraphs, telephones and so many other things that connect us with the world. The British Government ought to be proud of these. They have brought this country to a phase where everybody wants to think of his own rights. He is not prepared to give in without a struggle. Therefore, why should the Government exaggerate the importance of these riots? Of course, I do not mean to say that they should not take any steps to stop them. It is their duty to maintain law and order. They will be failing in their duty if they did not take steps to prevent them or to remedy them. At the same time, let me assure them that no amount of legislation, no amount of rules, no amount of orders under section 144 of the Criminal Procedure Code, no amount of amendments of the Criminal Procedure Code will stop these riots or will remedy the situation unless they grant us our rights and let us settle them for all time to come.

The Rev. Dr. E. M. Macphail (Madras : European) : Sir, I feel a little perplexed in connection with the different motions and amendments that have been made and I had hoped that my Honourable friend who has just sat down was going to help me to make up my mind. But I really entirely failed to know at the end of his speech whether he was supporting one of the motions or one of the amendments, or whether he was opposing them all.

Sir Hari Singh Gour : He was opposing them.

The Rev. Dr. E. M. Macphail : I thought he said so at the beginning but later on I understood him to say that there were three parties who must consult together, namely, the Hindus, the Muhammadans and the Government.

Lala Lajpat Rai : I may point out that the time has not yet come because the Government do not think so.

The Rev. Dr. E. M. Macphail : He reminded me, Sir, rather of a Minister in Scotland who, after having preached a sermon, was criticised by one of his hearers who said : " If your text had had scarlet fever your sermon would not have caught it." In other words, I do not think there was very much connection between the position that he took up and the speech that he made. I was extremely interested in his speech, however, and I regret very much that he spoilt it on one or two occasions by neglecting the excellent advice which my Honourable friend Mr. Sheepshanks gave that motives ought not to be imputed, the motives with which people have spoken in this House and the motives with which they have been actuated on various other occasions. I was very much interested in his speech and in the speech of Sir Hari Singh Gour because

[The Rev. Dr. E. M. Macphail.]

they really dealt with the problem of these communal troubles and their causes. I think that if we are to go to the root of the matter, we have carefully to go into the causes of these troubles. Now, my friend Lala Lajpat Rai seemed to think that all these troubles were the necessary outcome of the struggle for freedom, and he very truly said that you have communal dissensions all over the world. That is absolutely true, and communal dissensions always mean an absence of national unity. It may be that the communal dissensions are due to there being dissensions between the rich and the poor, or it may be that they are due to differences in blood, in race, in language or in religion.

An Honourable Member : What about Ireland ?

The Rev. Dr. E. M. Macphail : In Ireland you have the two combinations of blood and religion, the two acting together, just as you have to a very great extent in this country, where you have, in the North at all events, Mussalmans of different blood to a very great extent from the people amongst whom many of them live. But in India the peculiarity is that the differences are, so to speak, vertical rather than horizontal. What you have in most countries in the West is that you have one stratum of society antagonistic to another stratum, a difference such as Disraeli brought out in his book " Sybil," when he spoke of the two nations. But here you have in India the community divided up in, so to say, watertight compartments, and not only divided, but sub-divided. My Honourable friend Diwan Bahadur Rangachariar is quite aware of that fact. The whole of Hindu society is sub-divided into watertight compartments between which there is no inter-marriage. The whole of Hindu society is like a honeycomb composed of cells which touch one another but do not unite. And the consequence is that where you have a society of that kind, you necessarily have a clannish feeling developed to a larger extent than in the West. We in Scotland are accused of being clannish. The reason is because we are a small community. But wherever you have these small watertight communities, you will have class interests predominant. Now it does not seem to me that, in a struggle for freedom, there would be all these communal dissensions were it not that in Hindu society itself you have these watertight compartments and the members of each class look upon themselves chiefly as members of the unit to which they belong. It is perfectly true, as my Honourable friend Lala Lajpat Rai said, that we should get rid of all these difficulties if we could develop the true national spirit, and he also drew a picture of what rather looked to me like heaven which he said would be the case if only people did certain things. My experience in the 40 years during which I have been watching the growth of national feeling in India, and watching it with sympathy as well as of interest, has been this. Side by side with the development of national life and feeling there has also been the development of what the Germans call *particularismus*. That is to say somehow or other, along with this centripetal tendency there has been developed a centrifugal tendency. As people are thrown together, they become more opposed to one another. We know that people often get on better when they are thrown apart ; and at the same time it happens very often when people are brought together they begin to realise their differences, and so they form smaller groups inside the larger whole. I noticed that very soon after I came to Madras in the cry of Travancore for the Travancoreans, Mysore for the Mysoreans, and now it is the cry of Andhradesa for the Andhras, each community

trying to create a little nationality for themselves. The same thing was also illustrated by the great indignation which was created by the division of Bengal. In a unitary country where the national spirit is strong as in France, the great aim of the people in the time of the Revolution was to abolish all local distinctions, get rid of the old provinces and cut the country into divisions which had no old historical connection in order that they might all feel one and that there was but France, one and indivisible. But the curious thing in India has been that with the development of the cry of the Motherland, there has also been this particularist cry for the development of separate communities. It may be that it is absolutely necessary in a large country like this. I believe probably that is the case. It is an interesting thing, but it seems to me that it is absolutely unnecessary that, even although there is this feeling between different classes, it should find expression in hostility towards one another. The reason why it has done so of late, I believe, was rightly pointed out by Colonel Crawford. I think there is not the slightest doubt, as has been said by more than one speaker, that it is the political question that is in view. My friend the Diwan Bahadur drew rather an idyllic picture of Madras, but we have got our difficulties there. He has heard of the Brahmin and non-Brahmin controversy down there. He has also heard of the Tiyans and the Nairs on the West Coast. He has heard of the Maravars and the Shanars and their troubles. It is perfectly true, what my Honourable friend Lala Lajpat Rai said, that the whole of this is very largely the result of British rule, the outcome of a general movement by which the persons who have been down are now trying to come to the top. The non-Brahmin is trying to oust the Brahmin from the 80 per cent. of Government appointments which he enjoyed before. The Tiyan wants to get into the temple ; he wants to be allowed to go along the roads. I have seen in South Kanara a man come and lay down his money on the road and call out what he wanted. Then the shopkeeper came, took the money—that did not pollute him !—and laid down the goods and then the man came and picked up the goods. Is it wonderful that people in that position wish to rise in the social scale ? Is it surprising that the Shanar wants to get into the temples ? It is not surprising ; but the whole of my contention is that you cannot put this thing straight unless you get people to respect one another and one another's feelings. We have heard a great deal of self-respect, and self-respect has sometimes resulted in making young men go and spit at European officers. Self-respect often means disrespect of other people and what we want to impress upon people in the whole of India is that self-respect means respecting another's personality. We have our own personality, and we must respect other persons as persons. Until that is burnt into people we shall continue to have these communal riots and communal disturbances. I do not think there is any harm in people trying to rise in the social scale or to assert themselves, but in doing so do let us remember that other people have rights as well as we. I find that like my Honourable friend Lala Lajpat Rai, I have wandered away from the subject, and I would merely like to say in conclusion that I cannot approve of any of the proposals before us. They are far too wide. I would like to be put on a committee such as it proposed by Mr. Das, for I feel that I should have some interesting work to do for the rest of my life. His proposal means that we should have to go in for a thorough sociological enquiry into conditions in India and that is impossible. At the same time I would like to suggest to the

[The Rev. Dr. E. M. Macphail.]

Honourable the Home Member that it might be desirable in the interests of the country that he should get together some of the leaders of Hindu and Muhammadan thought. You will notice that all through the discussion it is only these two communities that have been talked about. The Diwan Bahadur and I have a grievance, because this implies that there are no communal differences in India but those of Hindus and Muhammadans, whereas we have our own troubles in Madras. But I understand the Hindu-Muhammadan trouble is meant in the motions when reference is made to communal differences. I suggest to the Honourable the Home Member that the leaders of these communities might come together and see if it is not possible, I do not say to settle the whole of this communal question—that would be an excellent thing but it would take too long a time to do—but to see what can be done in the way of getting local persons of influence to try to do what they can to prevent these two communities from flying at one another's throats and causing these disturbances which I am sure we are all grieved to see.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I do not find it possible for me to support either the Resolution or the amendments which have been put forward, but I do feel, with other friends who have spoken before me, that it is fortunate that a discussion on this subject has taken place in this House. There are two aspects of the case which have come out from the discussions. One is that wider aspect to which my Honourable friend Lala Lajpat Rai drew such prominent attention in his most valuable speech. The other is the one to which several other Members have referred, namely, that of maintaining law and order and of establishing an attitude of mutual respect for the rights and feelings of each other among citizens by such methods as the leaders of the Hindu, the Muhammadan and other communities and the officials of Government might adopt. As to the first of these, I wish to say that I entirely agree with my friend Lala Lajpat Rai that a final and most satisfactory solution of the present deplorable differences which we see in this country will be found in the establishment of full responsible government in the country. In my opinion it is very desirable that all those who are interested in the welfare of India should give the matter the most serious and impartial consideration. The present system has been tried. I personally feel that we are grateful to this system for many things, above all for the education that we have received, and for the education in national sentiment which we have received during the British administration. But I also recognise that we have lost a great deal and in many respects, and I feel that progress in many directions which may be called truly national will not be possible until full responsible government is established in this country. To some friends it may seem a mockery that I should be speaking in support of Lala Lajpat Rai's view about the necessity of the early establishment of full responsible government after the speeches which have been delivered here deploring the communal differences that are dividing the country. But it is my firm conviction that if full responsible government is established in this country these differences will very shortly disappear. The history of other countries supports this view. French Canada and British Canada were more divided ; Roman Catholics and Protestants hated each other there much more than Muhammadans and Hindus unfortunately do

at present here, and yet the introduction of responsible government in Canada put an end to those differences, and Roman Catholics and Protestants, Frenchmen and Englishmen, began to work shoulder to shoulder as brothers in a common national cause. Even so, Sir, I believe will it be here. The present system has been tried and has failed. Government have had charge of law and order for a long time. Government have charge of law and order even under the present Statute of 1919. I regret to say it—I do not mean to impute any blame to any individual—but I draw attention to the fact that law and order have not been maintained as well as they used to be before the system of dyarchy was introduced ; and yet, Sir, law and order are reserved subjects ; their administration has not been at all tampered with by certain other subjects having been made transferred subjects. I submit, Sir, and I ask my friends on the Benches opposite to consider that the best solution of the problems we have been discussing will be found in the establishment of full responsible government as early as can be done.

But we cannot afford to wait for such solution till the advent of full responsible government while deplorable events like those which have taken place are occurring in the country. It must be, it ought to be, a matter of deep grief to every man of right feelings that these numerous riots should have taken place, that, according to the official statement, 260 of our fellowmen, most of them innocent persons, should have fallen victims, should have paid for the folly or wickedness of some people with their lives, that several thousands of them should have been injured, that the property of a lot of innocent persons should have been destroyed and burnt, that a lot of misery should have been caused to thousands of families all over the land. I consider, Sir, that what has happened should fill everybody, official and non-official European and Indian, connected with India with grief. It is not a matter between the Hindus and Mussalmans alone ; it is a matter which concerns every citizen of India ; and when I think of it it fills my heart with grief,—it has filled my heart with grief for the last several months,—that in this ancient land where there is no lack of intelligence, no lack of ability among Europeans and Indians, where there is no lack of public spirit in a number of citizens residing in the large cities, that so many innocent men should have fallen victims to the knife or the *lathi* and that we should have been enjoying our meals and sleep as if nothing had happened. When I went to Calcutta and found that innocent citizens walking out into the streets were hacked to pieces, I felt that we, *i.e.*, most of those residing in Calcutta at the time, were not doing our duty, and I feel still that we have not, all of us, realised our duty to these innocent fellowmen of ours and have not done our duty to save them from undeserved suffering and sorrow.

In this connection there are three points which have emerged from the debate. I do not wish at this moment to go back into historical facts ; I do not wish to stop here to dwell upon the allegation made by Lord Olivier, or the answer given to it, about the partiality of Government to one community. I do not wish here to impute any blame to Government or to any Mussalman leader or any Hindu leader. Whoever has been to blame, let us take that blame on our own heads collectively as a wrong committed by a brother or a fellowman, and let us think of the duty that lies upon us, as individuals and as citizens, as children of one God and children of one motherland, as subjects of one King-Emperor, to do our duty to our inno-

[Pandit Madan Mohan Malaviya.]

cent fellowmen in the best way we can to save them from further underserved wrong. That brings me, Sir, to a consideration of what are the practical steps which can be adopted in this matter. I join with my friends in offering our thanks to His Excellency the Viceroy for the excellent speech which he made at the Chelmsford Club and which was implemented by his speech to the Legislature. I submit, Sir, that His Excellency therein indicated a rule which will be found to be a very safe and a very helpful guide in the solution of the questions as we are considering. His Excellency said that such questions should be decided in conformity with established local custom. Let us all, Hindus and Muhammadans, officials and non-officials, honestly make up our minds to do whatever we can to bring about a settlement of the disputed questions on that basis. That is a basis, Sir, which I expect will commend itself to reasonable men of every class and community, and that is the basis which will in a large country like ours, which is inhabited by men of different castes and creeds and races, be found to be the soundest and safest to proceed upon in deciding communal questions. Now, Sir, how are we to proceed in the matter? I am prepared to believe that the Government of India have done what they could, according to their own lights, to bring about a solution of these questions. My Honourable friend the Home Member said that it is the duty of the Government, both Central and Provincial, to maintain law and order, and that it is also their duty to bring about peace and harmony between the different classes of the community. They have discharged their duty, the Honourable the Home Member claimed, as best they could. Well, I want to leave that question there. We may not agree in that view, but I do not wish to pursue that question further. I do agree that we should drop all discussions as to what is past, and that we should consider what we can and ought to do in the future. Nothing is likely to be gained by discussing what they could or should have done in some places or what they should not have done in certain places. I have indicated that I do not entirely agree with the view which the Honourable the Home Member has put forward in that connection. But I am concerned more with what is to come in the future than what has happened in the past, and for that reason I wish to avoid all references to the past. Let all questions as to who has been to blame for the events that have taken place or for not arresting or checking the progress of those unfortunate occurrences, be buried for ever; let us unite and make an honest and earnest endeavour to see what our duty demands of us for the future.

I submit, Sir, that in this matter one common duty lies upon the representatives of all parties and of the Government. When I say representatives of all parties, I do not mean Hindus and Muhammadans only, but Christians, Parsis, Europeans and Indians all alike. Those who live in this land have a duty to discharge towards their fellowmen. The discussions which have taken place have shown what that duty is, in what direction we have to make an effort. I do not think that the Resolution or any of the amendments before us will be agreed to to-day, and I then think of the months that are going to intervene before we shall meet again in this House. Now the question is, what are we going to do during this period? I have one suggestion to make to my friends who represent the different communities here, and it is this. Let us make up our minds, and let us take a vow that we shall every one of us in our own individual capacity go forward to meet the masses of our people in a religious spirit and speak to them our

minds, as we have been speaking here to-day, nay more, that we shall tell them where we believe that they have been in the wrong and ask them to avoid the wrong in the future.

Mr. K. Ahmed : Who excited the people, Sir ?

Mr. President : The matter the House is engaged with is too serious for such interruptions.

Pandit Madan Mohan Malaviya : Sir, I regret my friend Mr. Kabeerud-Din Ahmed speaks much too light-heartedly when he should not. Sir, I appeal to all friends to do this duty not by way of a complaint that any one has failed to do it. I feel that whether any one else has or has not failed to do his duty, I have failed to do mine to the extent I should have done—and I have been very much pained that I should have failed to do my duty fully and well. I wish that everyone should do his part better than I have done mine, and I wish that I too should do my part as well as is expected of me to do it. But I do ask all my friends, Mussulmans as well as Hindus, Indian Christians, Europeans, all in this House and outside it, to recognise the duty we owe to our innocent fellow-men to save them from undeserved suffering and to use all our effort and influence to bring about a disappearance of this feeling of communal tension which is raging in the land. I believe, Sir, that, if the masses of the people are called together and matters are properly explained to them, it will greatly help to reduce this tension. As the Honourable the Home Member said they are the most important people to be approached, they are the men out of whom come the victims who are sacrificed to the wrong notions, to the wrong ideas which some of us who address them or influence them, put into their heads. I wish that the masses should be approached by the leaders of the Muhammadan, Hindu, Christian and European communities, that they should be told not only what their rights but also their obligations to one another are, that it should be pointed out to them that certain things shall not happen even if any amount of force or threat of force is used, and that certain things shall happen because they are right and proper. I wish that the mistakes into which they have been led should be pointed out, that the results of these mistakes should be pointed out, and I do believe, Sir, that the great bulk of them will be weaned from the evil notions which have been put into their minds by some of us who ourselves entertain wrong ideas as to what would promote the interests of the communities to which we belong. I ask all my Muslim and Hindu friends to take up this task, and I also ask that Europeans and Christians and members of other communities should join in this endeavour. Does it make any difference whether it was a few Hindus or a few Mussulmans who had their heads broken ? Does it matter to any man of right feeling what religion an innocent victim of an unprovoked assault followed ? Is there not enough humanity left in us to lead us to feel a genuine grief that a fellowman who had done no wrong or injury to anybody should be cut off in the prime of his life, that his career should come to an untimely end and his family should be deprived of his support because some stupid, some wrongful notions about the demands of one's religion had been put into the mind of some other uneducated fellowman which led him to commit the outrage ? I ask everyone who feels that these outrages are wrong to stand up to condemn them in a manner which will leave no doubt in the minds of the masses that they mean what they

[Pandit Madan Mohan Malaviya.]

say, that the outrages cannot be condoned and must be visited with punishment both in this world and in the next. It is only thus that the men of light and leading in a community can bring about a better feeling between the erring members of the two communities, and restore peace among them.

And now as regards the Government, I submit, it can help immensely in this matter, not by legislation, not even by calling a Conference, but by thinking out calmly as officials of the Government can think out, what the right policy is, by declaring that policy, and calling upon the leaders of all communities to co-operate with the Government in enforcing it. I submit, Sir, that there is unnecessary nervousness shown in getting men together to talk about these regrettable communal troubles. I think it is the duty of the Government, as the Honourable the Home Member has said, to bring about peace among the members of different communities. Certain principles can be considered and laid down, and their acceptance by the leaders of the different communities can be brought about. Those who agree with them should be expected by Government and the public, and by men of all communities, to go forward with those principles to face any mobs, to face the men of their own communities and tell them in the presence of their fellowmen of other communities where they are wrong, proclaim to them the right path and ask them to follow that path. These unfortunate bickerings, these unfortunate riots, would not have gone on to the extent they have gone on ; so many lives would not have been lost, if we had done our duty in the manner I suggest. And I appeal to every brother, to everyone in this House and outside it, whom my voice can reach, to remember that this is a sacred duty that lies upon us. These riots would very soon be a thing of the past if the leaders of thought, if educated men of light and leading in each community will take up the task in right earnest, and if the members of the Government will make up their minds to proclaim the right policy and enforce it. If they will also find out who are the men who are actually practising what they profess and endeavouring to promote what they say they have at heart, I submit our differences will be settled in a very short time.

The occasions when communal troubles arise are few. They are well-known. The concurrence of the Ram Lila and the Mohurram takes place at long intervals. Times are laid down during which processions have to pass certain streets. The authorities who are responsible for maintaining law and order should be expected and should be encouraged to maintain the rule which has been laid down as most of them do, and to get people by gentle persuasion and by good influence to follow that rule. If any body of men should depart from that rule, if they should not follow the orders that have been issued, no matter to what community they may belong, they must be brought to book and punished. Another occasion when a trouble arises is one when a cow is led for slaughter. Our Mussalman friends know it, our European friends know it, that we Hindus have a real reverence for the cow, and that we honestly feel pained if a cow is to be slaughtered within our knowledge. But we have recognised the situation, we have reconciled ourselves to the situation in which we find ourselves. We know that slaughter houses exist all over the country. We do not go out of our way to quarrel with any man who is leading cows to the slaughter house

day after day. We have recognised that the man is doing it because it is his duty to do it. There are European friends, Mussalman friends, who want the slaughter to take place. We have reconciled ourselves to this and I do not think that any officer of Government or any other Member of this House or outside will be able to mention a single instance where a man leading a cow to a slaughter house has had any attack made upon him by a Hindu. But when a Hindu finds that a cow is being paraded through the parts of a town in which he is living, if he finds that a cow is being taken through the street in which he lives in such a manner as to tell him "here we are going to cut this cow to pieces", that is a most unfortunate situation which causes the very greatest pain to him. I assure you, Sir, and I assure every Member of this House that that pain is genuinely felt. It is not prompted by any ill-feeling towards any Muhammadan brother. Let my Muhammadan friends feel certain that the objection of a Hindu to a cow being so led is prompted by a feeling of the pain which he feels by being told that a cow is going to be cut into pieces. He desires that the cow should not be led in such a manner and in such parts that it will amount to a challenge to him to save it as his religion enjoins it upon him to do. In the circumstances of the case if on such an occasion some Hindus cannot exercise restraint upon themselves and endeavour to rescue the cow, I ask our friends to have pity upon them. While they must bear the punishment of violating the law, I ask our friends to have pity on them, remembering that there was a genuine feeling at the bottom of their hearts which led them to do it. If a Hindu goes out of his way to rescue a cow from a Muhammadan who is taking it inoffensively to the slaughter house, I would condemn him as strongly as I would condemn a Muhammadan who would willingly lead the cow in such a way as to hurt the feelings of the Hindu. If this is done, let the authorities take charge of the man who commits the offence, and who departs not merely from the rule of law but also from what should be the recognised rule of good citizenship. Let him be punished. Let it not be a Hindu-Muslim question. I have no quarrel with my Mussalman friends all over the country because some Hindus have quarrelled with some Mussalmans somewhere. If a Hindu has rescued a cow from the hands of a Mussalman brother, let it not be made a ground of quarrel with the rest of the Hindu community. Let it be treated as an unfortunate isolated incident which requires to be dealt with according to law and let it end there and *vice versa*.

As regards the question of music before mosques it is known to every one that until two years ago this was not a live question. (*An Honourable Member*: "Question?") In answer to a question put by Mr. Harchandrai Vishindas the Honourable the Home Member said that it was in 1882 that a question like this arose. He was not good enough to mention the city or the town where it arose. He did not think it fit to do so. But he said it was in 1882 that a question like that arose in one place in this vast country. Assuming, Sir, that that question was raised, not by an individual but on behalf of a community, it is not too much to assume in the absence of any evidence to the contrary that from 1882 to 1922 there was not a single case—I should like to be corrected if I am wrong—where the playing of music before mosques formed the subject of a quarrel between Hindus and Mussalmans.

Mr. Mahmood Schamnad Sahib Bahadur (West Coast and Nilgiris : Muhammadan) : There were several cases of disputes on account of this.

Sir Hari Singh Gour : All local cases.

Pandit Madan Mohan Malaviya : I do not know. I should like to be told of them. Now, Sir, I submit that from 1882 to 1922 we have not heard of any case of the playing of music before mosques giving rise to a quarrel between Hindus and Muhammadans. My friend tells me there were some cases. I will accept his statement. But if there were they were very few. And I submit that the solution of this question is not difficult. It is to be found in the rule suggested by His Excellency the Viceroy that such questions should be decided in conformity with established local custom. Mussalman Members, Hindu Members, European officers of Government, European residents of cities, know what the practice in a particular place has been. Asked in private or public, every respectable man will state what the practice was. Let that practice be continued. If music has been stopped before a mosque by agreement between the communities or by an order of the court, let us adhere to that rule. Let Hindus submit to it and respect the custom so established. But if music has been played before other mosques, which are countless in the country, let my Mussulman friends tell the Mussulman community generally that they have to observe what has been the established practice and not to raise an unnecessary quarrel over it. That is a very simple solution of these unfortunate communal quarrels. If we are sincere and earnest, as I am sure Members of this House are, in our desire to put an end to these quarrels, that is the path which will lead us to the end which we have in view, and I honestly recommend it for the consideration of all Members of the House.

I have indicated the part which the Government has to play in this connection. Government exercises supreme power in this country. If the officers of Government will only be strict and impartial in the discharge of their duties, much trouble and many complications will be avoided. And I wish to draw the attention of the House here to the words of His Excellency the Viceroy, to which the Honourable the Home Member referred, namely, that Government officers are expected to do their duty in this matter with fairness and scrupulous impartiality. I ask nothing more of Government officers. The great bulk of them, I repeat, have done their duty very well. It is only some who have failed and shown weakness. It is for these latter that a little advice and clear guidance is needed. We know that some officers of Government have acted in one manner and others have acted in another manner. The Government of the Central Provinces have adopted a certain policy which has prevented trouble from brewing in the Central Provinces. The Government of Bihar have also adopted a somewhat similar attitude. In Assam, the Mussulman Minister declared his views and that has helped to settle the matter very much. Mr. Abdul Aziz, Barrister-at-law of Patna, has openly declared his opinion against the agitation for stopping music before mosques, and I am certain that in Bihar it has had a very good effect. I know there are several other friends who have expressed their opinions publicly or privately on this question. I ask other Mussulman friends and Hindus also to declare their views, stand by them and ask the members of their respective communities to

follow them. The riots have injured both communities. Mussulmans have been killed and Hindus have been killed. Innocent men of both communities have suffered. That is a matter which cannot be a matter of indifference to members of either community. I submit, therefore, that on the eve of the dissolution of this House we should all take a vow that we will do all that is honestly possible for us to do to bring about an early settlement of these differences and thus render a duty to the country, to the Government and to God.

Khan Bahadur W. M. Hussanally : May I know what is the motion before the House ? Maulvi Muhammad Yakub has not withdrawn his Resolution, though he has accepted the amendment of Diwan Bahadur Rangachariar.

Mr. President : What is the point of order which the Honourable Member is raising.

Khan Bahadur W. M. Hussanally : I want to know what is the motion before the House. So far as I am aware....

Mr. President : The motions before the House are the Resolution moved by Maulvi Muhammad Yakub and the two amendments moved by Diwan Bahadur Rangachariar and by Mr. Keshub Chandra Roy, respectively.

Khan Bahadur W. M. Hussanally : I thought the amendments had been withdrawn.

Mr. B. Das : May I move the adjournment of this debate *sine die* ?

The Honourable Sir Alexander Muddiman : Sir, this debate which it was proposed to adjourn by, a motion some hours before Lunch has now proceeded for a considerable period. We have had the advantage of hearing speeches from two prominent Hindu leaders, Lala Lajpat Rai and Pandit Madan Mohan Malaviya. I think that if the debate had served no other purpose it would have been well worth having. With what my Honourable friend Pandit Madan Mohan Malaviya says I am very largely in agreement. He, with his usual eloquence, has put forward a case for peace and compromise and with a persuasiveness which is peculiar to himself. I am sure it has made a great impression on the House. He has reinforced the argument I pressed on the House this morning that it was in the power of every Member of this House when he returned to his village or town, as the case may be, to exercise influence on the more ignorant masses that surround him. I understand he agrees with me that that is the clear duty of the citizen. I am glad to hear it. I am sure that nothing could be more conducive to communal peace than the general acceptance by the House of those eminently wise and sane suggestions. I am sure that he feels with me, and indeed he said it on a previous occasion, that the influence of the leaders of the various communities is less than we could hope, and it is mainly, as I indicated this morning, to the direct influence of men possibly less known than the leaders to which we have largely to look. I do desire again to reinforce the point that it is the citizen, the good citizen, who lives in the locality who can intervene to prevent these occurrences on many occasions. I must, however, make one observation. My Honourable friend referred to the important festivals as occasions of great danger when special precautions ought to be taken. It is true that has been the case for many years, and on those occasions it is the duty of Government, and

[Sir Alexander Muddiman.]

Government has, I submit, fully discharged that duty, to take special precautions. But let us not forget that the state of feeling now is such that communal disturbances are not confined to the great festivals. Let me tell the House that one of the largest, one of the most important outbreaks which occurred in the city of Delhi, our capital city, was caused by the bolting of a tonga pony. That is a contingency not within the prescience of any Magistrate however far-seeing he may be. Let me tell the House that no later than a day or two ago an occurrence took place in the Chandni Chok, the principal thoroughfare of the great city of Delhi, which was due entirely to the dismissal of a Hindu bank peon by the Hindu bank manager because he had been impertinent to a Muhammadan customer of that bank. Now, Sir, that is not an event which it is possible to foresee. Even in this morning's paper I read of a somewhat similar occurrence. A thief darting away ran into a lamp post. He fell down. I have forgotten for the moment to which community he belonged, but he fell down and a communal riot very nearly ensued. A further instance was the case cited yesterday in another place of a tramway conductor who was endeavouring to collect fares from little boys of the other community who wanted to take free rides. That, Sir, led to a dispute that nearly led to communal disturbance. Now Sir, I do not relate these occurrences merely to amuse the House. They have a very serious lesson behind them. They show that the appeal made by my Honourable friend is none too late. It is most

4 P.M.

desirable and it is essential that this House should endorse it. It is equally essential that the officers of

Government should, as I have contended they have done in the past, take every opportunity of conciliation. The Local Governments and we in the Government of India should do the same. Any suggestions to deal with the evil and its causes that have been brought forward in this debate would merit the very serious consideration of Government, but I cannot conceal from the House that they have not been very definite. We have had a good deal of general talking, and I believe that has done some good. I believe this debate will do something to heal the two communities, but practical suggestions for dealing with the question, I regret, have not been many. My Honourable friend, Lala Lajpat Rai, in a very interesting speech referred to the fact, the undoubted fact, that religious disputes are, as we know from history, common in other countries. They have been I think generally the first manifestation of politics; but when we are told that the grant of immediate self-government would terminate all these disputes, my Honourable friend will pardon me if I do not go the whole way with him. Now, Sir, this morning Colonel Crawford also threw out some suggestions. I think he suggested—if I am not doing him wrong—that the Government of India were rather inclined to lie back in their armchairs and say: "Well, we have done all we can." Sir, there are two schools of politicians. There is the armchair politician; I know him well; he says, "why don't you keep order in India; why don't you stop it?" I have heard that. I also heard from an experienced Indian who has held high office, that the way to stop these outrages was for Government to put down its foot firmly. Well, Sir, when you come to details, what exactly is "putting down your foot firmly"? You can no doubt by displays of armed force inspire awe in the inhabitants of a locality, and that at times it may unfortunately be necessary to do, but no civilized Government can

regard that as a permanent method of administration. Colonel Crawford suggested that the Government of India would do well to confer with the leaders of political thought. Now, Sir, let me make it perfectly plain that I have no desire whatever to shut the door to any means which will enable us to deal with this communal trouble. I have no cast-iron method of procedure. But we have to consider that conferences require their own atmosphere. They require an atmosphere of conciliation. They require, in the first place, that those who propose to confer are themselves inclined to come to an agreement. Now I do not want to refer to it in any detail, but it is an admitted fact that the leaders, the so-called leaders of political thought, have done their best to come to some conclusion in these matters. My Honourable friend the Pandit shakes his head. Well, it has been said that they have done so, at any rate they did meet for the avowed purpose of doing so—I am not putting it higher than that—but their efforts were not as successful as we could have wished. If, however, at any time they are prepared to put their heads together again and come to Government, Government will give any proposals they have their most careful consideration. It is always open for individual suggestions to be made to us. But that is not going so far as to say that I commit myself to any of these Resolutions or amendments, which, as has been pointed out by various speakers, are extraordinarily wide in their scope and extremely vague in their terms.

They are all moved, I am convinced, with the desire to do something beneficial in regard to the state of affairs as they now exist and to that extent they are valuable. But I put it to the House that their main purpose has been discharged. We have had a valuable discussion. We have had leading men on all sides expressing words of peace. The action taken by the Government, particularly the action taken by His Excellency in the Chelmsford Club speech and in his address to the Legislature, has been commended on all sides. The debate has certainly gone a good deal in the direction I should wish it to proceed. But I ask you not to attempt to tie Government down to any particular Resolution or amendment of those which have been moved to-day. We are certainly willing at any time to meet any reasonable propositions that may come to us. I do not desire to shut the door to any question of a conference as long as I am convinced that there is some reasonable probability of a benefit resulting from that. I can conceive that a conference held at a moment which was not opportune, held in a way which was not well considered, might really work against the very thing we wish to secure. Sir, I would ask the House, if they consider I have met the various speeches in a reasonable and sympathetic way, to join with me in requesting all those who have moved both the Resolution and amendments to withdraw them.

Diwan Bahadur T. Rangachariar (Madras City ; Non-Muhammadan Urban) : Sir, I quite realise the great effect that has been produced by this debate and I do not wish to press my amendment to a division. With the leave of the House I desire to withdraw my amendment.

The Amendment was, by leave of the Assembly, withdrawn.

Mr. K. C. Roy : I am satisfied with the assurance given by the Honourable the Home Member that he has not barred the way to a conference. I therefore ask for leave to withdraw my amendment.

The Amendment was, by leave of the Assembly, withdrawn.

Maulvi Muhammad Yakub : Sir, after hearing the sympathetic speech of the Honourable the Home Member I think the object of my Resolution has been fully served, and, therefore, I beg your leave to withdraw the Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

Mr. President : The next Resolution stands in the name of Maulvi Muhammad Yakub, I understand he does not wish to move it.

The third Resolution is barred by the amendment which had been moved by Mr. K. C. Roy.

The fourth Resolution on the paper is in regard to the same matter and is therefore barred. Mr. Dumasia is entitled to move his alternative Resolution which seeks to remove sex disqualification in elections to this Assembly.

RESOLUTION *RE* ELECTION OF WOMEN TO THE LEGISLATIVE ASSEMBLY.

Mr. N. M. Dumasia (Bombay City : Non-Muhammadan Urban) : Mr. President, I beg to move the following Resolution which stands in my name :

“ This Assembly recommends to the Governor General in Council to take immediate steps to remove the existing disqualification to the admission of women as Members of this House.”

Mr. President, I believe this proposition will readily commend itself to the common sense of the House. As good wine needs no bush, so a good cause needs no push. Members are aware that the sex disqualification from being an elector has been extinguished by special Resolutions of most provincial Councils. The effect of these Resolutions is that women are now entitled to exercise the franchise in those Provinces, and also in the constituencies of the Legislative Assembly belonging to those Provinces. It is gratifying to find that in a country where men are accused of treating women as chattel the political progress of women has been more rapid than in England and free from the war of the sexes and the smashing of heads and windows which preceded the enfranchisement of women in England. In fact the Great War was indispensable for the political emancipation of women in Europe. This fact alone ought to convince our calumniators that Indians do not treat their women—their mothers, wives and sisters—as chattel, but as precious jewels as is justly due to women—the most perfect of God's creation. Some of the finest actions and glorious deeds of man have been inspired by woman ; and in all ages and all climes she has been the fascinating theme of admiration for the most chivalrous sentiments she has excited in man.

Nawab Sir Sahibzada Abdul Qaiyum : On a point of order, Sir. Have we got a quorum ?

(The bell rang and a quorum being present Mr. Dumasia was permitted to continue his speech.)

Mr. N. M. Dumasia : Thank you, Sir. Statesmen and historians, poets and warriors, artists, novelists and dramatists owe much to her influence and some of their best performances are the result of her divine inspiration.

The proposition now before the House carries the point a step further—the removal of the disqualification for membership of the Assembly. There is no doubt, as Burke expressed long ago, a considerable difference between the franchise and membership. The former is a right. The latter is an office to which there can be no right except capability. Only those should be eligible to membership who are qualified to discharge the duties of a member of the Assembly. I accept this condition. The Bombay Council considers this condition is fulfilled in the case of the Bombay Council, and the Government of Bombay is giving effect to the Resolution of the Bombay Legislative Council rendering women eligible to membership of the Bombay Legislative Council on terms of perfect equality with men. Given the franchise there is no reason to maintain the disqualification for this Honourable Assembly. It seems to me absurd that the better half of mankind should labour under the present disqualification in this enlightened century. There was a time when men claimed intellectual superiority over women. Manu would keep them under perpetual tutelage, but much water has flowed down the Indus since the days of Manu. Coming to more recent times one famous French philosopher went so far as to say that a woman who reasons is like a parrot that speaks. It is so unexpected. But these are exploded delusions. Women have distinguished themselves in many walks of life. There is not the remotest justification for the contention that men have more brains than women—especially after Miss Fawcett beat the Senior Wrangler at Cambridge. It may be that men have more brains in quantity, weight, but certainly not in quality. It is quality that counts.

As a matter of fact the exclusion of women from the Assembly is a reflection upon the electors themselves. If the electors are capable of making a proper choice they may be trusted to exercise their franchise intelligently when women seek election in competition with men. The eligibility of women will remove this artificial vertical wall between men and women.

Coming to the merits of the proposition I wonder whether there is any one in this House who would challenge the capacity of many a woman to make excellent members. "*Cherchez les femmes*" said Napoleon, and we must not forget that she who rocks the cradle rules the world.

Pandit Shamlal Nehru : May I bring to your notice, Sir, that there is no quorum ?

Mr. President : Order, order, I may call the Honourable Member's attention to Standing Order 25, which provides that no demand to ascertain the presence of a quorum shall be made within one hour of any previous count.

Mr. N. M. Dumasia : Woman is born to rule. She is supreme in domestic government. And domestic government is the best preparation for democratic government. There are many aspects of society in which domestic government resembles democratic government. Reform and retrenchment—two of the great watch words of the Liberals—constitute the daily duties of woman in her domestic sphere. She is particularly able in the field of finance. She prepares the domestic budget. She must keep the equilibrium between income and expenditure. She must cut the coat according to the cloth and make both

[Mr. N. M. Dumasia.]

ends meet. It is no exaggeration to affirm that it is more difficult for the *mater familias* to balance the domestic budget than it is for the Finance Member to balance the public budget with the resources of taxation at his disposal. Woman is endowed with a natural instinct for managing financial matters. She has marvellous capacity for all kinds of work and there is no doubt that her advice and co-operation will be very valuable in this House. Moreover, her persuasive powers, her desire for co-operation, her moderation and above all her gentle influence will set a good example to our Swarajists and will no doubt put an end to the walk-out business.

One of the fundamental principles of democracy which has been handed down to us from the days of Solon is that all important interests should be duly represented. Is there any man in this House who can venture to assert that mere men are qualified to represent or protect the feminine interests? There are numerous matters concerning children and women, in which men are more ignorant than the babe unborn. Upon democratic principles, therefore, women should be represented in this Assembly. In fact this Assembly cannot be truly representative and cannot protect women's interests effectually, unless they have for their collaborators in this House a few of the best and ablest of the women of India. They will be the harbingers of peace between various conflicting elements in this House and they will make a valuable contribution to the problem which is now agitating the minds of the people of the country.

Take the field of sanitation. We hear on all sides "*Sanitas sanitatum omnia sanitas est*". Who is most affected by insanitary conditions? Why, woman. She has to look after her children. She has to be by the bedside of her child in illness. She has to convert nights into days that she may nurse her beloved child back to health.

Take the field of morality. We have many men-made laws which affect women seriously. We should like to hear the voice of woman—gentle and serene—especially on questions of polygamy or polyandry. Sir, I could adduce a long litany of feminine virtues and feminine grievances, but I believe I have said enough on the positive merits of her presence in this Assembly to commend this proposition to the House. I trust, Sir, that this Assembly will not be behind the Bombay Council, in taking this forward step in the emancipation of woman and placing her on the pedestal of equality which is her birthright. That is the foundation of true liberty. I also believe that this step is calculated to accelerate our progress towards that great goal of Swaraj towards which we are advancing slowly but surely. I am sure the acceptance of this Resolution will mark an appropriate close of the Assembly and will be regarded by historians of the future as a historic event in the Central Legislature. With these remarks I commend this Resolution to the House.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, without meaning any disrespect to the fair sex of the country and without considering myself unchivalrous, I am sorry I am unable to see eye to eye with the Honourable Mover of this Resolution. I think it will not be in the interest of the country, as well

as in the interest of the women-folk themselves if they are asked to come down from their places of honour in the Visitors' Gallery and adorn the Benches of this House. Sir, we know very well that nature has made a division of functions of the sexes. There are certain functions which are exclusively assigned to men and certain other functions which are exclusively assigned to females. A man cannot exercise the functions which are special to a woman and a woman in the same way cannot exercise the functions which are set apart for a man. Of course there are certain functions which are common to both men and women but they relate to the ordinary vocations of human life. Of course in abnormal conditions and extraordinary circumstances, such as were created during the Great War, women were called upon to exercise certain functions which in normal conditions are exercised by men; but if abnormal conditions are allowed to be maintained during normal times I think the whole fabric of human society will be shattered into pieces. Sir, in my humble opinion the chief function of women is (*Sir Hari Singh Gour* : "To cook !") to bring up the future generation of the country in a sound state of body and mind, to alleviate the sorrows and anxieties of her partner in life and to govern properly the affairs of her household. Woman is the queen of her house; she has full liberty to manage the external and internal affairs of her household. She is the first teacher of her children and she is the sweetheart of her husband. The circle of her activities is more social than political. Sir, I do not mean to say that women cannot understand politics or that they are unable to pass judgment on political questions. On the other hand, I am aware that many women of this country are much superior in intellectual qualities to their husbands or to many of the Honourable Members of this House.

Pandit Shamlal Nehru (Meerut Division : Non-Muhammadan Rural) : Is that your personal experience ?

Maulvi Muhammad Yakub : That is not my personal experience, but it is the personal experience of a friend of mine whose noble wife, I am aware, is much superior in intellectual qualities to my Honourable friend himself. But, Sir, I do not want to drag females into the arena of practical politics, because I do not want that their tender logic and their enticing arguments may be subjected to the grim criticism of the male Members of this House. Sir, flowers are meant for decorating drawing rooms or the dining-table; they are not meant to be placed in a hot case. It would be placing an unbearable burden upon the physical strength and intellectual capacity of the females if they are asked to participate in the intricate questions of legislation or the vexing problems of politics. They are too tender for this kind of life and you will certainly be shortening the lives of our women, if you ask them to live the lives of parliamentarians. (*An Honourable Member* : "Question.") Sir, in England where women have got extreme liberty and extreme freedom and where, we shall have to admit, the women are intellectually superior and physically stronger than the women of India, women got seats in the House of Commons only a few years ago after many centuries of struggle and contest. It looks simply ridiculous that we should want to place our women to-day in the same position in which the women of England have been placed after so many centuries.

Then, Sir, there is one more aspect of this question and it is this : do you think that an ordinary Indian is so advanced that he would

[Maulvi Muhammad Yaqub.]

behave properly towards the female Members in the House? (*An Honourable Member* : "Certainly"). The qualifications for membership of the Legislative Assembly are so low that any ignorant rustic can be elected to this House and by opening the doors of the Legislative Assembly to women you invite the objectionable characters of society to invade the Assembly and capture as many seats as they possibly can. Now, Sir, would you like your ladies to sit on the same Bench with an objectionable character if he were a Member of this House?

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province: Nominated Non-Official) : But all the Members here are "honourable".

Maulvi Muhammad Yakub : Of course present company is always excluded; my remarks are not directed towards the present Honourable Members of this House; but what I submit is that the qualifications are so low that it is quite possible that at some future date some objectionable members of society may creep into the House. Then, Sir, there is no Parliament in the world except the British Parliament, where women have got seats; and it would be certainly preposterous to introduce such anomalies in the rules of the Legislative Assembly which is itself up to this time in an experimental stage.

For these reasons, Sir, I think that the Resolution proposed by my Honourable friend is certainly premature and I hope that after listening to my speech the women of the country will also agree with me and will say to the Honourable proposer and his supporters "Thank you, gentlemen, we do not want to become M. L. A.'s and we are quite satisfied with the place which we now occupy in the society of the country." With these words, Sir, I beg to oppose the Resolution.

Mr. H. G. Haig (Home Department : Nominated Official) : Sir, I think it may be of use to the House if I indicate at once the attitude of Government towards this Resolution. In doing so I shall not have to express my own opinion on the interesting but somewhat controversial arguments of the last speaker. In the first place there is a preliminary technical point which will have to be examined. The electoral rules provide that if a Resolution to this effect is passed by the House of which one month's notice has been given, then the Government of India are bound to make regulations to give effect to it. Notice of the Resolution moved by the Honourable Mover was received on the 14th August. Consequently the one month's notice required by the rules has not been completed.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : I have given you one month's notice.

Mr. H. G. Haig : At the same time a number of other Resolutions were received more than a month ago and though none of them are actually identical in terms, they are identical in effect. Government, therefore, do not wish to take this technical point and they are prepared to regard this Resolution as having had one month's notice and, consequently, if the Resolution is passed, Government are prepared to regard it as obligatory on them to make the regulations to give effect to it.

I presume there is no particular reason why the regulations should not be made at once, and if the House expresses that wish, Government will endeavour to make the regulations so that they may have effect for the coming general election.

In the second place, I should like to explain exactly what the effect of passing this Resolution will be. The disqualification of women for election to the Legislative Councils has been removed at present only in Bombay and Madras. Consequently it will only be ladies from those provinces who would be eligible to stand for election to the Assembly. Of course, it will be open at any future time for other Legislative Councils to allow women in those provinces to stand for election, and such a Resolution would automatically entitle them to stand for election to the Assembly. In the case of the Delhi and Ajmer-Merwara constituencies, ladies would not be eligible for election to the Assembly, because they have not yet been granted a vote, and nobody can stand for election unless his or her name is included in the electoral roll.

Finally, the Resolution will enable Government to nominate a lady to this Assembly from any part of India. But, Sir, that is a permissive power, and I do not hold out any hope to the House that that power is likely to be exercised for the purpose of introducing variety and charm into the composition of this House. Should the power be at any time exercised, I fear, Sir, it would be on less imaginative and more strictly official grounds.

I have stated the effect that the Resolution would have if it is passed. I now proceed to indicate the attitude of Government towards it. The question of women's franchise was dealt with by the Joint Committee who held that a matter which goes so deeply into the social system and susceptibilities of India should be settled in accordance with the decision of the legislative bodies. This advice has been accepted already in the matter of granting the franchise to women and in what may perhaps be regarded as the subsidiary matter of allowing women who have obtained the franchise to stand for election, the same procedure will naturally be followed. Government propose, therefore, to leave this matter to the free vote of the Assembly, that is to say, the Honourable Members of the Executive Council of the Government of India will not vote at all. Other official Members will be free to vote as they please.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, I rise to support the Resolution moved by my Honourable friend, Mr. Dumasia.

Maulvi Muhammad Yakub : From the labour point of view ?

Mr. N. M. Joshi : From the human point of view, because I feel that women are as much human as men.

Sir Hari Singh Gour : More so.

Mr. N. M. Joshi : And therefore from my point of view and from the point of view of every legislator, there should be no distinction between a man and a woman. An Honourable Member in this House brought before the Members some very humorous arguments against the Resolution. It is very difficult to deal with those arguments, and I need not spend much time over them. I shall mention only a few of them. He said that women are not intended for serious practical work such as that of a legislator. If women are not intended for practical work, I should like to know what they are intended for.

Maulvi Muhammed Yakub : I did not say that, Sir.

Mr. N. M. Joshi : I am glad, Sir, that my Honourable friend did not say it. My Honourable friend said women are flowers and they should be treated like flowers. Sir, the Honourable Mover of the Resolution never asked my Honourable friend to treat a woman who may come here as a Member as worse than a flower or even better than a flower. Let him treat that woman who comes here as a Member as a flower with as much tenderness as he would treat a man. Let him treat her with as much tenderness as he cares to treat her, but that is no argument why a woman should not come and sit in this Assembly. Then, Sir his other argument was that some Members—I do not say Members like my Honourable friend there—but some Members may not be able to withstand, I think he said, the enticing logic and the tender criticism of women Members who may come to this House. Sir, to those Members who think that they would not be in a position to withstand the criticism and the logic of women, my appeal is to retire from this House and to retire from public life. If men cannot withstand the logic of women.....

Maulvi Muhammad Yakub : I did not say, Sir, that they cannot withstand the logic of women. What I said was that I did not want that the enticing logic of women should be subjected to the grim criticism of the male Members.

Mr. N. M. Joshi : Sir, this is another flower kind of argument. If the enticing logic of women is not to be subjected to the stern criticism of men, it is for the women to decide whether they should expose themselves to it or not. My Honourable friend need not be so tender with a woman who comes here and exposes herself to the attack and criticisms of men who will criticise her sternly. Then, my Honourable friend said that women are not physically fit to come to a legislature. It is for the first time I learn that the work of a legislator requires a gladiator's strength. I thought, Sir, that, even weak men and weak women may serve in this House as good Members. But if some Members think that they come here to have a wrestling match and if a woman is not afraid of it, let her come here. My only fear is that there are some men who are afraid of a match. Then, Sir, my Honourable friend also said that there are Members here who may not treat the women decently.

Maulvi Muhammad Yakub : I did not say the Members here.

Mr. N. M. Joshi : In the future. My Honourable friend said that some Members who may come here may not treat the women Members decently. Now, Sir, it is for the woman who chooses to come here to say whether she should come here or not, when she finds that she will have companions who will not treat her properly. But, Sir, I do not understand the anxiety of my Honourable friend over there to keep away women on these grounds. Personally I feel that the Members who may come here will be as courteous, as polite, as chivalrous as my Honourable friend over there.

Sir, I do not wish to deal with any of his arguments because I thought, and I still think, they were not serious. The main argument in favour of the Resolutions is that if you prevent women standing as candidates you are restricting the right of the electors to choose whomsoever they like as their representative. The electors have a right to

elect any candidate as their representative and I cannot understand why any Member here should restrict that right of the electors to choose whomsoever they like. The only argument that I can see against this right of the electors is that there are some people who are afraid that if the right is not restricted their monopoly will have gone. That is the only argument that I can see in restricting the right of the electors in choosing their representative. I therefore look at this question from this constitutional aspect that if you give the franchise to people, then you should leave them free to choose their representative from whatsoever class they come from. It is not only a restriction of the right of the electors ; it is also a restriction of the rights of women. If some woman chooses to come here knowing the dangers which my Honourable friend depicted, I cannot understand why their rights should be restricted. He said that the woman in this country will not like this, but all the women in the country.....

Sir Hari Singh Gour : If they do not like it, they will not come.

Mr. N. M. Joshi : Exactly. All the women need not like it. It is only those women who would like to come here who are concerned with this Resolution. All the other women in the country are not concerned at all. If they think that there are dangers in being Members of the Assembly, if they think there are some Members in this Assembly who will not treat them properly, they need not come to the Legislature at all. They are not compelled to become Members. I therefore think, Sir, that the arguments used so far against allowing women to become Members of this Assembly were not serious. On the other hand, the arguments in favour of the Resolution are very strong. The two arguments upon which I support this Resolution are that we are imposing a restriction upon the right of the electors to choose their representatives and we should not prevent any person who wants to serve his country in the capacity of legislator from serving in that capacity. Sir, I support the Resolution.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, as this is a proposition which has a practical effect on Madras, as the Honourable Mr. Haig told us, I wish to say a few words on it. I know the women of my parts. We have not got the *purdah* system as people here have got. Women there own property very largely. They manage their properties beautifully. I may mention one instance. I bought property myself which was previously owned by a lady and managed by her and I am reproached that I am not managing it as efficiently as the previous proprietor. (Laughter.) I may mention another instance also in which women have surpassed me. My own daughter has surpassed me in the matter of making bargains. Last June in Bangalore I made some bargains of carpets and I was led into paying a heavy price and my daughter reproached me. I said, " You had better try your hand ". She drove a much better bargain and got much better stuff than I got. They may not have college or literary education but for practical experience and shrewdness I give credit to the women of my parts and I am sure they will distinguish themselves as well, if not better. I am sure this House is not going to be flooded by women legislators. Women are now taking interest in public questions. Men are

[Diwan Bahadur T. Rangachariar.]

entitled to sit in this House. My Honourable friend said that rustics may come here ; but if rustics can come here, I ask, why not enlightened women. I strongly support the motion.

Mr. B. Das (Orissa Division : Non-Muhammadan) : I am happy to take part in this debate. Since I became a member of this debating society, or rather this House....

Diwan Bahadur T. Rangachariar : I must ask the Honourable Member to withdraw the words " debating society ". (*Cries of " withdraw."*)

Mr. B. Das : Sir, if that is your desire, I withdraw those words. Sir, since I became a Member of this House I have taken a keen interest in all questions connected with the cause of women and have done my best to help their cause. I am happy to find that my friend Mr. Rangachariar has given his wholehearted support to this Resolution. However, whenever legislation affecting women and children came up before this Assembly, he had opposed such legislation—specially important legislation such as my friend Sir Hari Singh Gour's Age of Consent Bill. For that reason alone I want women to be present on the floor of this House, so that they can give us their experience and guidance and by their persuasive presence help us to enact legislation suitable to women and children. They can assist us a great deal on all social welfare legislative measures.

One of the beneficial effects of the Muddiman Committee's Report is the present Resolution that is now before the House. The amendment of Rule 5 of the Government of India Act has enabled us to-day to bring in this Resolution. I could not follow my Honourable friend Mr. Haig why the women of Dehli and Ajmer-Merwara are not entitled to vote. Is it because there are no provincial councils there ? The Assembly has a responsibility for those places.

Mr. H. G. Haig : It has nothing to do with the fact that there are no Legislative Councils there. It is merely because they have not been given the vote.

Mr. B. Das : I am sorry I could not follow.

Mr. President : The Chair cannot help the Honourable Member.

Mr. B. Das : I felt pained at the suggestion of my Honourable friend Mr. Yakub who is not present here now. He suggested that the women of India should not be faced with the hardships of being Members of this Legislature and should not imitate their Western sisters. Sir, my friend is probably not a member of the Indian National Congress. Twice the Indian National Congress has elected lady Presidents. Dr. Mrs. Besant and Mrs. Sarojini Naidu have both guided the destiny of India and our political movements. The President of the present year of the Indian National Congress is a lady too—Mrs. Naidu who is guiding the whole of National India in political matters. Well, if the non-official political association of India, the grand Indian National Congress, can have a woman as its President, why should women not be allowed to be Members of this Legislature ? My friend forgets that the Begum of Bhopal, who has been I think the Chancellor of the Aligarh University, has been a model ruler, loved by her subjects and admired and respected by all classes of Indians. She has been well known especially for her keen

interest in the uplift of the causes of women and children of India. We know too how she is writing books for the social welfare of women of India. We have also two ruling Maharanis at present, at Travancore and Gwalior, who are acting as Regents of their States. If women can rule vast States—even though they may be autocratic rulers—why should they not take part in ordinary legislation in the Assembly and Councils for the uplift of the community of men and women ?

Nawab Sir Sahibzada Abdul Qayyum : I did not intend to take part in this debate but perhaps my opinion on the subject might be considered to be the opinion of an impartial person and so I should like to say just a few words. Even if this legislation is passed it will not affect my community much, because our women are so very backward in education that there is no likelihood of their coming to this House for a long time. But truth is truth, and it must be told. I do not know how we can deny the right of representation in this House to women. If women, as my friend Mr. Das said, have been ruling us in the past, why should they not be allowed to take part in the deliberation of affairs in this place. He has only quoted recent instances, but I can go a little further and quote the case of Razia Begum, who was the Empress of India at one time. She was not only well up in politics but was also a great warrior and fought on battle-fields. My little experience of people in extreme ignorance, say, of the Kaffirs of Central Asia, also supports me in this view. While Assistant Political Agent in Chitral, I visited the country of the Kaffirs and I found that the activities of the women were not confined to household affairs only, but that they took part in all political and racial and communal discussions. There is of course no such thing as politics there, as we understand it in this country, but there are the ordinary tribal matters, such as the partition of land and the settling of quarrels among different families, and things of that kind, and these were practically managed by the women-folk. I know of a song which I need not repeat here. (*Honourable Members :* "Sing it.") (Laughter.) In it women are praised for their intelligence, for their tactfulness and for their promptness in coming to decisions in disputes between parties. Similarly, I think some of our women at the present time are also taking a leading part in politics. Mrs. Sarojini Naidu is well known to the Members of the House. She is, I believe, sitting somewhere in the galleries just now ; if she can become the President of the All-India Congress, who is there to prevent her, by any force of argument, from coming to this House and taking part in the proceedings here, if she is elected by some constituency ? But there is one thing which strikes me, and it is this, that perhaps this privilege, if allowed to women, might disturb our present social conditions. Unless we have reformed our household affairs through our women and have brought our social life up to the standard of modern civilization, I do not think we should encourage their diverting their attention to politics. They had better set their houses in order before they can aspire to come to this House. I think that many ladies will be tempted to come here rather than to go into their household budgets. It is easier to come into politics rather than to go and spend hours and days in looking after children, the education of one's children and the needs and requirements of the house, and many other things. We have already disturbed our society and the classification given to India by the well known Manu. If it had not been for our interference with the structure of that classification, we would not have had the many troubles that are arising in the country nowadays. If

[Pandit Shamlal Nehru.]

we had only confined the Kshatriyas to fighting and the Brahmins to religious preaching and a few only to politics, perhaps things would have been more comfortable and peaceful for us. But since this classification has been disturbed, we get all these troubles of non-Brahmins against Brahmins and the urban population against the rural population and such like. Then I do not think there is much likelihood of very many ladies coming here and dislocating or ousting us. (Laughter.) England has not been able to produce more than four or five so far in her Parliament, and I do not think we can expect even a half of that number, say two, in the next few sessions, I should say. My friend, Maulvi Muhammad Yakub, is quite safe in his seat, I believe. If any ladies do come to this House, I am sure Moslem ladies will be long behind the times; but in that respect, we need not worry much. I do not think I need say anything more on this subject except that ladies will have to find very able and intelligent ayahs to look after their children, if they decide to come here and leave their domestic duties. In short I would allow them the right and would not refuse it, but in their own interest they would be well advised not to come here.

Pandit Shamlal Nehru : My friend Mr. Muhammad Yakub has just

5 P.M.

said that the woman's duty is at home, to look after her children, to look after the kitchen and to look after the neatness of the house, and yet he calls his ladies "queens." He calls the ladies "queens," but at the same time he speaks of them as "females" and himself as a "man." He has just had a fling at me, at my intelligence compared to my wife's. I have not the least objection to agree with him wholeheartedly. I have worked with my wife as a colleague on the Local Board in Allahabad for a number of years. She has done excellent work there and I am proud of her and I hope Mr. Muhammad Yakub will give a chance to his wife and himself a chance to be proud of her.

Maulvi Muhammad Yakub : I wish I had one, Sir.

Pandit Shamlal Nehru : Then objection is taken, Sir, that the ladies will have no time left for looking after their children and household duties if they take part in politics. Men, Sir, have many duties to perform, to earn money, to go sight-seeing leaving their "females" at home and to go to the theatres, etc., and yet they have time to come to the Assembly and look after public affairs. Cannot a woman look after her children at home, look after the cooking and her husband's comforts and come to the Assembly at the same time?

Mr. N. M. Joshi : Cannot the husband cook?

Pandit Shamlal Nehru : The husband can cook, Sir, if he cares. I had no servant once for a number of days. We took to cooking by turns. Sir, there are many women available, women of ability, women of character, women of strength, who are prepared to do all their home duties and at the same time do their duty by the country. There is Mrs. Sarojini Naidu. She is my adopted mother. I am proud of her too. There are many others. (*Nawab Sir Sahibzada Abdul Qayyum :* "Your daughter has stood first in the University" in her B.A., this year.") In olden times women went to war with men. I can give a long list of women who had fought battles and won them. In Muhammad Sahib's time, Mr. Muhammad Yakub will find, women went always with their menfolk to war and if the men wanted to run away they killed them then and there and fought

themselves. (*Maulvi Muhammad Yakub* : " They were abnormal times.") Now certainly the times are different. Women are locked up in their houses and yet they are called by the dignified name of " queens," while the men take a seat outside the house, watching the doors all the time. Sir, only one thing I have to take exception to, and that is what Mr. Muhammad Yakub said about women Members coming here with the men and his suggestion that they were not safe in this House. Sir, this is not only an insult to the House but it is an insult to the womanhood of the country.

Maulvi Muhammad Yakub : Certainly not. I never hinted anything against the honour of the Members of the Assembly.

Pandit Sham Lal Nehru ; I am glad to hear that. But the Honourable Member does not deny his having hinted anything against the honour of women.

Maulvi Muhammad Yakub : Probably my Honourable friend could not follow my speech.

Pandit Sham Lal Nehru : Sir, I have named two women. I can name many more and I tell the House that they can take care of themselves without the aid of any person in the midst of ten thousand men. Sir, I support my friend's Resolution with the greatest pleasure.

***Sir Hari Singh Gour** : Sir, I should like to add a few words in support of this Resolution. As far back as 1923 this House with only one or two dissentients passed an Act removing the sex disqualification from the path of women becoming legal practitioners with the result that women are now eligible to practise side by side with my friend Maulvi Muhammad Yakub. Now, I submit that, if they are entitled to practise at the Bar and, by parity of reasoning, to adorn the Bench, I do not see what distinction there is if they are permitted to take part in the deliberations of this House.

Maulvi Muhammad Yakub : I hope my friend Sir Hari Singh Gour will not grudge them the right of pre-audience.

Sir Hari Singh Gour : I shall certainly not grudge them not only the right of pre-audience but the right of pre-eminence. I am sure, Sir, Maulvi Muhammad Yakub has been inspired in opposing this Resolution by a feeling of self-preservation. He feels—and I think he has a shrewd suspicion—that if women were to find entrance into this House, the mere man will have to take a back bench. He has told us that there is a time to come when rustics may adorn the seats of this House alongside of women. Let me assure him that if any rustics do become Members of this House, they will cease to be rustics but will be refined into gentlemen. Sir, I feel that this Resolution should receive the unanimous support of this House and I appeal to my friend Maulvi Muhammad Yakub not to forget to vote for this Resolution ; and, if he cannot lend his support to this Resolution, at least to abstain from voting on the other side.

An Honourable Member : I move that the question be now put.

Mr. President : The question is :

" That the question be now put."

The motion was adopted.

*Speech not corrected by the Honourable Member.

Mr. President : The question is :

“ That the following Resolution be adopted :

‘ This Assembly recommends to the Governor General in Council to take immediate steps to remove the existing disqualification to the admission of women as Members of this House ’.”

The motion was adopted. (Applause.)

The Assembly then adjourned till Eleven of the Clock on Thursday, the 2nd September, 1926.

LEGISLATIVE ASSEMBLY.

Thursday, 2nd September, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

PRIVATE NOTICE QUESTION AND ANSWER.

LEVY OF A PROFIT TAX BY THE AHMEDABAD DISTRICT LOCAL BOARD FROM SPINNING AND WEAVING MILLS.

Mr. Kasturbhai Lalbhai : With your permission, Sir, I will put the question of which I have given private notice. (a) Has the attention of the Government of India been drawn to the Associated Press messages of the 11th instant from Ahmedabad wherein the Local Board proposes to levy a quarter of an anna profit tax from spinning and weaving mills ?

(b) If so, will the Government be pleased to state whether it is within the competency of any other body or Local Government to levy a tax on the profits ?

Mr. J. W. Bhore : (a) and (b). The Government of India have seen references in the Press to the matter but have no official information. They entertain strong objections to the imposition by local bodies of anything in the nature of an income-tax and propose to ask for particulars from the Local Government.

Mr. K. Ahmed : Are the Government aware that from Government Departments from time to time important and private information leaks out and correspondence from Simla and elsewhere is published in Bombay ?

Mr. President : Order, order. The House is always glad to hear the Honourable Member but not at question time.

Mr. K. Ahmed : This is a supplementary question ! Is not that a fact, Sir ?

The Honourable Sir Basil Blackett : I should like notice of that question.

THE INDIAN BAR COUNCILS BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move that the amendment made by the Council of State in the Bill to provide for the constitution of Bar Councils in British India and for other purposes, be taken into consideration.

Sir, I regret very much to have had to detain Honourable gentlemen from their homes for the purpose of considering this small measure, but my Honourable Colleague, the Law Member, when he came to examine more in detail the Bill as it had been passed discovered that there was a slight error in the drafting. The amendment made by the Council of State is an addition of a sub-clause to clause 14. Now clause 14 lays

[Sir Alexander Muddiman.]

down the right of an advocate to practise. The Bar Committee, as the House knows, recommended the dual system—that is, a system by which one class of practitioners act as attorneys and another class plead as barristers. Clause 14, I am advised, does not give effect to the reservation contemplated by the Report in the case of Calcutta and Bombay. I am told, and I have reason to believe I am correctly told, that clause 14, if it was allowed to stand as it is now in the Bill, will have the effect of destroying that system. That it was not the intention of the Bar Committee to do that is apparent from paragraph 26 of their Report in which they say :

“It follows from this division of opinion between us that we do not recommend any change in this respect of the existing system in India. It would only be possible to make such a recommendation, involving as it would the uprooting of long-established arrangements on the original sides of the Presidency High Courts”;

—I take it they mean Calcutta and Bombay because it is not the system in Madras—

“if we, as a Committee, were strongly of opinion that the present system is a bad one. As it is, we are all agreed that where in India a compulsory dual system is now in existence that system should be allowed to continue. It is on the basis of this conclusion that we shall proceed to discuss the distinctions between advocates and vakils on the original sides of the High Courts at Calcutta, Bombay and Madras.”

It was the intention of the Government to give effect to that recommendation of the Bar Committee, and it was certainly not their intention to defeat that recommendation by a side-wind due to the way in which the clause was drafted. It was unfortunate the Select Committee did not notice this, and it is unfortunate that I should have to come back to the House for the purpose of making that amendment, but my reason is the very valid one I have now explained to the House.

Sir Sivaswamy Aiyer (Madras : Nominated Non-Official) : Sir, I do not wish to oppose the motion, but I wish to offer some remarks for the consideration of the Government with reference to this amendment which has been introduced in the Council of State. I fully appreciate the reasons which led the Honourable the Law Member to introduce this amendment in the Council of State. As clause 14 originally stood there would have been no provision for the maintenance of the dual agency which it was the object of the Government to preserve, at any rate for some time to come, in the High Courts of Calcutta and Bombay. It is for the purpose of remedying this omission that I understand the Honourable the Law Member introduced the amendment in the Council of State. But it seems to me that the amendment as introduced in the Council of State is not apt—I was going to say clumsy,—that it is wrongly placed in clause 14, also that it is a little too wide. The amendment now carried in the Council of State is that :

“Nothing in this section shall be deemed to limit or in any way affect the power of the High Court of Judicature at Fort William in Bengal or of the High Court of Judicature at Bombay to make rules determining the persons who shall be entitled respectively to plead and to act in the High Court in the exercise of their original jurisdiction.”

As the amendment stands it would be quite open to the High Court to say that barrister advocates only should be entitled to practise and plead and not vakil advocates. Whether they will do so or not is another matter. I am not suggesting that the High Court will or may do it, but I have an objection to any language which is wider than the

actual requirements of the case. The amendment therefore ought to have been made in narrower terms and it ought to have been introduced not in clause 14 but in clause 9. (Clause 14 itself confers upon an advocate the right to practise, subject to the provisions of sub-clause (4) of clause 9; in the High Court of which he is an advocate. Clause 9 is therefore the proper clause under which this amendment should have found a place. It might have been made with much greater parsimony of language in sub-clause (4) of clause 9 by the use of some such words as these. After the words which empower the High Court to prescribe the qualifications to be possessed by persons applying to practise in the High Courts in the exercise of their original jurisdiction, the addition of the words "and the conditions under which advocates shall be entitled to practise and plead" would be quite sufficient to attain the object which the Honourable the Law Member has in view. I am disposed to think that his object could have been attained in a much neater and simpler form and in an appropriate place in clause 9 (4). But I am not going to move any amendment at this stage of the Bill, for if we succeed in throwing out this amendment it will have to be referred back to the Council of State which has been already adjourned and the Bill will therefore lapse under Rule 36 (c). I am not making these remarks in any hostile spirit or with a view to prevent the passing of the Bill. My object is simply to invite the attention of the Government to this drafting defect and ask them to consider this matter along with the other matters which they have promised to take into their consideration at an early date after consulting the High Courts of Bombay and Calcutta. They have reserved certain matters which found a place in the Bill as brought before this House for the consideration of the two High Courts. I only hope that the Honourable the Law Member, who was a party to the unanimous Report of the Bar Committee, and the Honourable the Home Member, who was also a party to these clauses as they originally stood in this Bill, will lose no time in consulting the High Courts and in seeing that as far as possible the clauses which originally stood in the Bill and have now been withdrawn and reserved for further consideration are reintroduced in some form which would be acceptable to all parties.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, while I approve of the insertion of this clause in order to make clear what was really intended by us I have to point out that the Bar Committee's recommendations were that this compulsory system of dual agency may be continued for some time till the Bar Councils were constituted and the Bar Councils and the High Courts could devise other arrangements. That is why we recommended in the Bar Committee recommendations that for a period of seven years transitory rules should be made which should be capable of being revised by the Bar Council and the High Court, and that is why I sought to introduce that amendment in the Bill and the Government promised to consider the question and bring up the matter later on—not that it should be a permanent feature of the practice of the two High Courts. The Bar Committee's recommendation was that the Bar Councils and the High Courts should have an opportunity of re-examining the question at the end of seven years; and that being so I hope the Honourable the Law Member—although he took a different view on the merits of the dual system—as a member of the Government will be loyal to the recommendations of the

[Diwan Bahadur T. Rangachariar.]

which he was a party. I leave it at that and I do hope that Government will bestow their very earnest consideration on this question because, once you create any more vested interests, you will be creating more difficulty. This system is bound to go. The rest of the country has not got it; only two High Courts still retain it as anomalies; that is a matter which I trust will be carefully considered by the Government.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Sir, I do not know but in the Council of State there was an amendment that the life of this Bill should not be more than two years. The Bar Committee suggested that it should be seven years as Diwan Bahadur Rangachariar says. I join hands with Sir Sivaswamy Aiyer, Sir, that a Bill of this description should not take effect so soon as this; but rule 36 (3) of the Indian Legislative Rules will not allow the Honourable the Home Member and the Law Member to get it rectified in this Session as the Council of State is not sitting any more this Session and therefore, unfortunately, the Bill has to be expedited and passed now. Sir, I join with Sir Sivaswamy Aiyer further that in adding this sub-clause to clause 14 of the Bill authorising the High Court of Judicature at Fort William in Bengal and the High Court of Judicature at Bombay to make rules determining the persons who shall be entitled respectively to plead and act in those High Courts in the exercise of their original jurisdiction—I desire to make it clear what this Bill will now propose to apply to practitioners. By adding this sub-clause as amended in the Council of State it will be left to the above two High Courts only to make rules determining the persons who will be entitled to plead and to act on the original side of those High Courts. But as far as the practice of advocates including the barrister advocates is concerned they will be entitled to act and plead in the appellate side of the High Courts in appeals (except original side appeals), revision cases, both civil and criminal, and also in other courts below the High Court, without affecting their powers in any way as stated in clause 14 and that is what I understand from Mr. Wright who drafted this Bill. Therefore, Sir, it clears the meaning of the word “practise” as it is stated there in clause 14 that an advocate shall be entitled as of right to practise, that is to say, he will be able to act and to plead. I take it that it is so, and let it be so clear once for all. I join issue with my Honourable friend Sir Sivaswamy Aiyer that this clause 14, as it is stated, is vague and indefinite and is not clear. I have made it very clear in my speech so that none of the practitioners both in the High Court of Bengal as well as at Bombay and in the other Courts below the High Courts may be at all doubtful and that there may not be any difficulty at all in any courts on the subject—pleaders claiming that a barrister cannot appear without instructions from them, and barristers claiming otherwise. I think this clause was drafted by Mr. Wright of my Honourable friend the Law Member’s Department and I understand from him that it was his intention. The vakils and pleaders will have the same right because they are also advocates. By this Bar Council Bill you either uplift the status of pleaders and vakils and unite them with us or you degrade our status and place us on their level. You cannot have a middle course. Therefore, Sir, I for one want to ask this question clearly and if the Honourable Law Member has not got any answer I take it for granted that it is so. In the alternative I object to this Bill being passed this Session so hurriedly.

Mr. K. O. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I do not know whether the House will desire to hear me after the very illuminating speech of my Honourable friend, Mr. Ahmed, who had pre- audience of me on the present occasion. Sir, I find that in this particular instance the instinct of the draftsman was a surer guide to this House than the combined wisdom of the Honourable the Home Member and the Honourable the Law Member. For, in the Bill as drafted there was a loophole for argument that the dual system had been abolished altogether in Calcutta and Bombay. It is a system which, as the Honourable the Home Member and the Honourable the Law Member very well know, is the result of an historical accident so far as these two cities are concerned. It is an anachronism at the present moment, and it is being discredited even in the land of its origin. I daresay the Honourable the Law Member knows, the history of the movement for fusion of the two functions of barrister and solicitor, which has been gaining in volume in England year after year. I daresay he knows that Lord Haldane, twice Lord Chancellor of England, and Sir Edward Clark, once Solicitor General, have been strong advocates of the abolition of the dual system in England ; and the latest *ex-Lord* Chancellor, to join hands with them has been Lord Birkenhead who has written a very strong article, I think in the January issue of the Law Journal, advocating the fusion of the functions of barrister and solicitor and urging the legal authorities in England to take up this question very seriously. Sir, this amendment seeks to give a prolonged lease of life to this anachronism. It seeks to perpetuate the peculiar system that obtains only in the city of Bombay, and, in a part—mind you, a part only—of the city of Calcutta, and quite a different system prevails throughout the rest of British India. It is a system which does not perhaps find any parallel in the civilized world except England. It is a system which has been deliberately avoided in the Colonies and in the Dominions as also in the United States of America.

Sir, I am reminded that the Government in their Statement of Objects and Reasons appended to this Bill stand committed to the complete unification of the different branches of the legal profession, and this Bill is merely an earnest of what is to follow. I hope, therefore, that the time is not very far when Government will bring forward another amending Bill to do away with the dual system which is now being sought to be maintained by this amendment. I very much hope that although this reform was brought about unwittingly in the original Bill, it will be deliberately undertaken by Government in the near future, and I also sincerely hope and pray that the presence of the *ex-Advocate* General of Bengal in the Cabinet of the Government of India will not prove a source of weakness to Government in the matter of carrying out this much needed reform.

Mr. President : The question is :

“ That the amendment made by the Council of State in the Bill to provide for the constitution of Bar Councils in British India and for other purposes, be taken into consideration.”

The motion was adopted.

The Honourable Sir Alexander Muddiman : Sir, I move that this House do consent to the amendment made by the Council of State. I have listened to what my Honourable friend Sir Sivaswamy Aiyer has said, and it will receive my attention. I do not know that my Honourable friend Diwan Bahadur Rangachariar is quite accurate in his account of the Bar

[Sir Alexander Muddiman.]

Committee's Report. As to Mr. Neogy, I have no doubt that for him time will bring in "his revenges".

Mr. President : The question is :

"That the following amendment made by the Council of State be adopted :

The following sub-clause be added to clause 14 of the Bill, namely :

"(3) Nothing in this section shall be deemed to limit or in any way affect the power of the High Court of Judicature at Fort William in Bengal or of the High Court of Judicature at Bombay to make rules determining the persons who shall be entitled respectively to plead and to act in the High Court in the exercise of its original jurisdiction."

The motion was adopted.

VALEDICTORY SPEECHES TO MR. PRESIDENT.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadian Urban) : Sir, now that we are about to part and the Second Assembly is going to come to an end ushering in a Third Assembly, it is but right, Sir, that I should say a few words in acknowledgment of the able way in which you have presided over the deliberations of this House. (Applause.) It is a sorry feature, Sir, that on this side of the House my non-official friends are conspicuous by their absence. None the less, Sir, I can assure you that the way in which you have discharged the duties of your high office has earned approbation and appreciation at our hands. Sir, at the time you were chosen to the Chair, I happened to compete with you. If I may say so, luck and chance favoured your election. Sir, whatever apprehensions there might have been on account of your political views, you have, by your strict impartiality, fairness, ability, tact and courage shown that the first elected Indian President of the Indian Legislature has proved a success. For the short time you allowed me to occupy the Chair, I found it a very onerous task, oftentimes subject to suspicion of partiality to this or that individual. Sir, it is a very very difficult task to fill that Chair, and it was rendered more difficult by the distinguished way in which your predecessor discharged his duties. Human beings are not perfect. There are imperfections in every individual, but here we have to consider the position as a whole, and, Sir, I have no hesitation in saying that both on the non-official side as well as on the official side there has been full appreciation of the way in which you have discharged the duties of your high office. I hope you will come back to this House and try your chance again, and I wish you success in your endeavours. I may not be here to compete with you.

Sir, it is also my pleasant duty to acknowledge the uniform courtesy, ability, promptitude and the regularity and punctuality with which the Legislative Department of the Government of India have served this House. I have been connected with this House for six years. At the close of the first Assembly, I wrote demi-officially to the then Secretary, I think he also happens to be the Secretary of the Legislative Department now, acknowledging personally my indebtedness to that Department for the way in which they have discharged their duties. Sir, all of us must have been struck with the punctuality and regularity with which at short notice agenda have been prepared and placed before us. The courtesy shown by the members of the Legislative Department has been uniform from the head

of the Department to the lowest official in that Department, and I have to acknowledge personally the treatment I have received at their hands. I am sure the experience of other Members also is the same.

Sir, we part, and I hope many of us will come back here, and I hope the country's affairs will progress and progress on right lines. Although the Government of India show some reluctance to yield to popular demands, I hope pressure will be brought to bear upon them not by walking out but by walking in and making them feel more and more uncomfortable.

Sir, I congratulate you on the able way in which you have discharged the duties of your high office.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : Sir, I wish to associate myself wholeheartedly with the tribute which has been paid to your services to this House by my Honourable friend the Deputy President. Sir, as pointed out by my Honourable friend, when you were chosen to fill the high office which you now hold, there were not wanting some who entertained some misgivings due to the fact that you had been a strong party man throughout your political life and that you had not been in the habit of repressing your feelings. But whatever misgivings might have been entertained, they were all soon dispelled. You came into the office with a very high conception of the duties of the Chair, and notwithstanding the fact that you had the disadvantage of succeeding a person with great parliamentary experience like Sir Frederick Whyte, who had filled the Chair with distinction, you soon demonstrated that the great experiment which was to be tried of appointing a non-official Indian to the Chair was a success. Sir, you have filled the office with great dignity, firmness and tact. Though the Chair is only a few feet above the floor, there is a great difference in the atmosphere which surrounds the Chair and the atmosphere of the floor of the House. You have maintained a gravity unperturbed by the most provoking sallies of jocularity, and whatever squalls and scenes there might have been on the floor of the House you have always held your head aloft, above these squalls and angry scenes, and I hardly remember any occasion, except perhaps one which everybody has now forgotten, when a momentary gust of feeling reached the Chair. That incident we have all forgotten and we have all learned to admire the way in which you have so worthily sustained the mantle which fell on you from Sir Frederick Whyte's shoulders. We have found you always helpful and obliging, always ready to give advice to the non-official Members. As to the help you have been able to give the official Members, testimony will be more appropriately forthcoming from the official Benches. I can only speak for my non-official friends and I am sure they will all join with me in acknowledging the great help you have given us throughout your tenure of office during the life of this Assembly.

Sir, this experiment of appointing a non-official Indian to the Chair of this House was and is one of great significance. It has shown conclusively that the requisite capacity for filling the office of Speaker is not wanting among our countrymen. Sir, it has also other lessons which may be taken note of by the official Benches, that investiture with responsibility develops a high sense of responsibility, a lesson which is not without far-reaching implications. I hope, Sir, that the electorates also, particularly your electorate, will rise to the standard of parliamentary traditions and that they will elect you without any contest. Whatever may be the vicissitudes of fortune at the election of the other Members, I hope that you will

[Sir Sivaswamy Aiyer.]

be untouched by those chances. Let me also express the hope that, when you are returned to the next Assembly without a contest, there will be no competition as forecasted by my friend on the right but that you will be elected to this office without any opposition. Let me hope that the House will rise to a due sense of the importance of maintaining parliamentary traditions. Sir, I am sure you will cherish the expression of the genuine regard which this Second Assembly has entertained for you, and I have no doubt that the Third Assembly, if it is fortunate enough to secure your services as President, will acquire the same regard.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province: Nominated Non-Official): Sir, please allow me to associate myself with the remarks of my friend Sir Sivaswamy Aiyer about your work in the Assembly. It is on behalf of a small group in this House, called the Muslim Parliamentary Party, that I offer you my sincere congratulations on the most successful manner in which you have discharged your responsible duties. This group, though claiming to be all good, composed entirely of Parliamentarians, has a few Members who are more often out of order than in order and I trust that their appreciation of your patience in dealing with them will not be taken for partiality.

Sir, you have carried out your responsible and delicate duties admirably. You have shown strict impartiality with your natural force of character and I am not sure if any other Indian Member of this House could have done so, to the more general satisfaction of the House. Your eye has not failed to catch the most suitable speaker on each subject and when you had more than one speaker on a subject your choice always fell on the one who could speak to the best advantage of the debate. Whenever you found a debate going out of bounds or assuming an unbecoming communal aspect, you either at once diverted the channel or tactfully closed the subject on constitutional grounds. In short, your tactful handling of the deliberations of this House is beyond praise. You were the first Indian to hold charge of this important position in the Imperial Legislature and you have acquitted yourself most creditably. You have got the certificates of the previous distinguished speakers—I should call them certificates in my layman's language—and more I believe will be speaking on the subject later on; but it is as well that you should know the feelings of one who is the representative of an unostentatious party in this House, and of a constitutionally backward community or province. The Honourable Mr. Patel, President of the Assembly, appears to be quite a different man from Mr. Patel of the Swaraj Party time (Laughter)—and I was surprised to see the enormous change in the old man. It shows that even a lion is capable of being controlled by his own sense of justice and equity, when placed in a responsible position! I wish many others could be as just and impartial as Mr. Patel of old has been ever since he has occupied the presidential Chair. Sir, if you can manage a stormy House like ours, composed of conflicting elements, I am sure that you can command an army of irregulars on a battlefield, should an occasion arise. You will not find it more difficult to control a rash soldier than to control the Whip of our Party, Mr. K. Ahmed. (Laughter.) I wish you a sure and speedy return to the House after the elections and once more very sincerely congratulate you on the way in which you have performed your onerous duties.

Sir Walter Willson (Associated Chambers of Commerce: Nominated Non-Official): Sir, my group wish to associate themselves with the remarks

which have fallen from the previous speakers in paying their tribute to you as President of this Assembly. Sir, at the time the future appointment for the Chair and the settlement of the emoluments was debated on the floor of this House, our group took a very strong line in helping to make that position one of such dignity as would attract the best men of the country and we hoped when we had them there that they would have a desire to retain that position.

Sir, we realised that in following a man of the gifts, capability and charm of Sir Frederick Whyte your own difficulties when you first occupied the Chair would and must be heavy. We recognise, Sir, that you have faced them both manfully and well. We recognise also that you have fully responded to the gravity of the office although we know, Sir, that on the floor of this House you enjoyed a joke as well as any of us. We particularly admire the way in which once elected to the Chair, you have been able to drop your own politics and we are here to pay our tribute to the invariably courteous and considerate manner in which you have treated both our group and all others in the House. You have endeavoured to meet us in every way. We recognise your fairness throughout the term of your occupation of the Chair, and I wish now, Sir, to go one step further and particularly emphasise the remarks which fell from my friend Sir Sivaswamy Aiyer. We shall be very pleased indeed if your re-election for your constituency is not contested. We value the English tradition very highly by which the constituency of the Speaker is not a contested seat. It is not in our opinion for any Party in the country to say who shall or who shall not occupy the Chair of this House. Therefore we hope that no Party will contest your seat and prevent your return to this House where you will then stand for election by the votes of this House who alone should say whether you should occupy the Chair or not. Sir, we emphasise that point very particularly and I am glad that it came from Sir Sivaswamy Aiyer to start with.

Mr. K. Ahmad : Will you vote for him next year ? Are you sure ?

Sir Walter Willson : I would like to join also, before I sit down, in paying our tribute to the Legislative Department of the Government of India. We fully recognise all the assistance which they have given us.

In conclusion, Sir, I hope that other Members who have spoken with some doubt as to their return will also come back to this House and that we shall in the next Parliament make that further progress which I am convinced we have steadily made all the time whilst I have been a Member of this House.

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural) : Sir, on behalf of my Party and on behalf of myself I add our tribute of admiration for the successful manner in which you have conducted yourself as President. When you were installed in the Chair statements were made in several quarters that they would be disappointed, and if there were any doubts in their mind, they have been dispelled by your successful carrying out of your duties. As my friend Mr. Rangachariar pointed out, perfection is not given to man. You may have committed mistakes here and there. But, Sir, taken on the whole you have proved that an Indian is quite capable of holding

[Mr. B. Venkatapatiraju.]

any position which is in the gift of the Crown or man. But you have proved another thing also. You have been a fiery gladiator on the floor of this House and you have fought hard against the Government.. Sometimes you have made irresponsible speeches that even your supporters find it difficult to support. But since you have occupied a responsible position, you have proved yourself quite capable of carrying on your duties, unconcerned with your previous political predilections. That shows that Indians are capable of occupying any place if only the opportunity is given to them. I may state, Sir, that my friends on all sides wish you an early return and an uncontested return. On behalf of my Party and myself I may state that if the occasion arises, if our support is needed, we will give you our unstinted support to place you again in the same place. I will add one more word. We wish you happiness always and long life and a speedy return so that you may perform the duties which you have carried on in the fear of God and without fear of man. We hope you will carry on your duties in the same manner for the good of the country, for the good of the name of India, and to show that an Indian is capable of occupying any post and carrying on his duties to the satisfaction of all concerned.

Mr. N. M. Dumasia (Bombay City : Non-Muhammadan Urban) : Mr. President, after the graceful tribute that has been paid to you by the previous speakers, very little remains for me to add to that well-deserved testimony of our admiration for you. Sir, I have seen your work in the Bombay Corporation and having been satisfied with the ability, independence and dignity with which you discharged the onerous duties of the office of its President you found in me a supporter and though I was in a different camp and politically did not see eye to eye with you, I supported your elevation to the Chair on the ground of fitness and fitness alone. Sir, by the way in which you have filled that office you have vindicated the fitness of Indians to fill any high office of responsibility and trust. But, Sir, there is a great significance in your elevation to this office. It is this, that by co-operation with Government and with the different parties, we can achieve our goal. There is another significance in your elevation to this office. It is that the Reforms are not as worthless as they have been sought to be made out. Sir, you have set a great example of co-operation and you have shown what we can achieve by co-operation and constructive work and I hope when the next Assembly meets the example you have set will not be lost upon the Members of extreme parties, and I am sure that if we work hand in hand and co-operate in working the Reforms for what they are, we shall not be surprised if the Statutory Commission comes out in 1927 instead of in 1929. With these remarks, Sir, I heartily join in the tribute that has been paid to you. But, Sir, let me say one word, that your own work is a great tribute to you, and greatly redounds to your credit as the first Indian President of the Assembly.

Mr. J. Baptista (Bombay Central Division : Non-Muhammadan Rural) : I have been here only for a short time but I venture to associate myself with the speakers that have preceded me in congratulating you upon the satisfactory discharge of the duties that devolved upon you. I understand, Sir, that Mr. Patel, the stormy petrel of the Swaraj Party, is quite a different person from Mr. Patel, the President

of this Assembly, but that only establishes the proposition that Indians possess a full sense of responsibility in the discharge of the office which they may be called upon to fill. Now, Sir, I hope and pray that the electors in the constituency and this House will establish the convention that obtains in England and in the House of Commons and see you filling that office once again. I am particularly gratified to find that the satisfactory discharge of the duties by you establishes the proposition that a good President of the Corporation of Bombay makes an excellent President of the Legislative Assembly.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I claim to speak on behalf of the most numerous section, and perhaps not the least troublesome section, of the non-official Members of this House, I mean the back benchers, who are most of them conspicuous by their absence to-day. I endorse every word that has been said by the previous speakers in appreciation of your services. I am one of the very few Members present here to-day who had the honour of sitting in this House ever since its inauguration. I had the privilege of studying parliamentary procedure under the guidance of Sir Frederick Whyte, and I have no hesitation in saying that in you we have found a very worthy successor to the first President of the Legislative Assembly. I wish you God speed.

Maulvi Muhammad Yakub (Rohilkhund and Kumaon Divisions Muhammadan Rural): Allow me also to join in offering my quota of tribute to you for the satisfactory manner in which you have discharged the duties of your high office. Sir, the elections are now coming on and this is the last day of the life of this Assembly. Some of us may come, while others may not come, but I can assure you that those who may have the honour of being returned to this Assembly as well as those who may not come back, will all be thankful to you and remain grateful for the courtesy and the kindness with which you have treated us in and out of the House. It is beyond my ability to pass any remarks upon your rulings. Honourable Members of this House who have been here for the last six years and have learned the parliamentary procedure under the guidance of Sir Frederick Whyte, have already paid the tribute to you which you justly deserve and I also join in what they said, namely, that your rulings have always given satisfaction to both the wings of this House. I join with the Honourable Members who have just expressed their wishes that you will return to this House without any contest, and hope you will again occupy this honourable seat in the House. Before I conclude I should be failing in my duty if I did not say a few words about the Honourable the Home Member and other Members of the Cabinet. I think I am voicing the feelings of this House when I say that, in spite of the differences of opinion which we may have had with the Honourable official Members of this House, and in spite of the heated and contested debates in the House, we have invariably received courtesy and kindness at the hands of the official Members of this House for which we are very thankful to them. I also join my Honourable friend Sir Sivaswamy Aiyer in paying my tribute to the Legislative Department for the way in which they have discharged their duties. I thank you again especially for the courtesy and consideration you have shown in this House to the back benchers in giving them opportunities to speak and finally I congratulate you on the success which you have achieved. Sir, we are parting here to-day under not very

[Maulvi Muhammad Yakub.]

happy circumstances. The atmosphere of the country is beset with dark clouds of communal dissensions, but we hope, that the effect of yesterday's debate and the effect of the very sympathetic and genial speech of His Excellency the Viceroy will help a great deal in clearing the atmosphere, and I hope and pray that next year, when the new Assembly sits, the horizon will be quite clear and bright and the new Assembly will come into being in an atmosphere of union and cordiality between the two great communities of this country and they will, in more favourable surroundings, start the work of leading India to the road to Swaraj for which we are all trying. With these words, after congratulating you again, I resume my seat.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I heartily join with my colleagues in offering you our cordial congratulations on, and in expressing our appreciation of, the manner in which you have discharged the duties of the very responsible office to which you were elected by the votes of this House. I do not wish to take up time by repeating what has been said, and I feel that I cannot improve upon what has been said in the excellent manner in which it has been said, except to express the hope that you will be returned unopposed to this Assembly and that it will be your proud privilege to serve the motherland again in the responsible position, the duties of which you have discharged with such distinguished ability and dignity.

The Honourable Sir Alexander Muddiman (Home Member) : The duty that has fallen to my lot is a pleasing change from the duty that I frequently have to undertake. It is frequently the case that I have to address the House to endeavour to persuade it to unanimity when, if I may say so, its natural impulse is to disagreement ; but I will say this that when the House is in a mood for agreement, it agrees very heartily and I think the speeches that have fallen from the various and numerous leaders to-day establishes that fact very clearly. It would be entirely inappropriate for me not to join in the congratulations to you, Sir, on the manner in which you have discharged your duties. I very respectfully lay my bunch of roses on your desk in addition to the other bouquets that have fallen to your lot. You know, Sir, that I have also been a President in my time and I have no doubt you have found, as I have found, that the cares and responsibilities of that office are sometimes very great. I do not think that you would support the opinion that the presidential Chair is always a bed of roses. Therefore, Sir, the credit for filling that Chair in a becoming manner is all the greater. I am sure it will always be a satisfaction to you to remember that you were the first President elected by the Assembly to preside over it and that your term of office, though it may have been comparatively brief, has not been uneventful. Indeed I think the constitutional historians will refer to it as a landmark in the history of this Assembly. (Applause.) I trust, Sir, that there are many active years of public life before you, and I therefore do not propose to dwell, as I otherwise would, on the fact that we have known one another for many years in various capacities, and I trust that you will not think, if I do not dilate on the personal aspect of the case, that I do not appreciate it. On my own behalf and on behalf of those who sit behind me I offer you my thanks and their thanks for the very considerate and courteous

way in which you have maintained those relations between the Chair and the Leader of the House which alone can contribute to the proper disposal of public business. Sir, I do not know whether it would be right for the Leader of the House to express any views on the elections, but I will leave you to guess what those views are in respect of one of them. I can only say that as this is the last meeting of this Assembly which I have had the honour to lead for some time I should like to thank the Members generally for the very courteous and kindly way in which they have conducted their business with me. We must differ no doubt, but at any rate let us differ without bitterness or bad feeling. (Applause.)

Mr. President : Brother Members and comrades of the Indian Legislative Assembly, I confess I do not know how to thank you sufficiently for the generous treatment I have received throughout the period of my office, from all sections and from every Member of this House, and, more particularly, for the flattering speeches which I have just heard. I am, indeed, grateful to you for your unfailing co-operation with the Chair during that period. I am also grateful for your ready and cheerful acceptance of my rulings from time to time though they might have been distasteful to some of you on occasions. I am particularly grateful to you for one other matter to which I should like to refer on this occasion. As you must have noticed, I have always been very jealous of the privileges of this House, such as they are under the present constitution, and, more so, of the authority, dignity and the honour of this Chair. I am glad to acknowledge that you have on all occasions given your full support to me in my endeavours to guard those privileges, and to maintain that authority, that dignity and that honour. (Applause.). If at any time I have given offence to any Member, or Members (*Honourable Members*: "No, no.") or any section of the House, it was unwittingly, it was inadvertently, and I ask their pardon most sincerely to whomsoever it may have happened. If on any occasion I have deviated from that calm, which must characterise all the utterances of the occupant of this Chair, I wish every Member of the House to believe me when I say that I was not consciously actuated by any personal or political feeling, but in everything I have said or done, I have tried to consult the advantage and the general interest of this House and the country. (Applause.)

When in your collective wisdom you called me to this exalted Chair, I took it with a solemn determination within myself that I should be absolutely impartial in everything. I soon realised that for an elected President it was not enough to be merely impartial, but it was more essential for him to inspire in every Member of the House a feeling that he would be impartial. I found that the only and the best way to inspire that feeling in you was that I should lay aside, so long as I occupied this Chair, all that was personal, all that was of party, all that savoured of political predilection, and to subordinate everything to the great interests of the House as a whole. I desire to assure you that I have ever endeavoured to work on these lines to the best of my capacity, in spite of my political surroundings and political associations for a number of years before I took the Chair. It is not for me to say how far I have been successful in those endeavours. As some of you are already aware, one of the objects—I will not say the only object—which induced me to accept this office was to demonstrate to the

[Mr. President.]

British Government that public men in India, if they have been in some quarters described as irresponsible and destructive critics of the existing system of administration, are so because they have not been entrusted with responsibility ; and the only way to fit the people of this country for responsible government is to entrust them with the working of such a government. How far I have been able to achieve that object, and how far it will further the cause of this country are matters on which I do not feel competent to express any opinion.

Before I conclude, you will permit me to acknowledge with thankfulness the valuable assistance and advice I have constantly received from the two officers of this House, I mean Mr. Graham and Mr. Gupta. Not that I had no occasion to differ from them, but the most admirable quality with which I was particularly struck was that, once I passed my orders on any matter, in spite of their opinion to the contrary they accepted my decision and loyally supported me throughout. (Applause.) It was simply a pleasure to work with them.

I have now done. Before I adjourn the House, may I request you to do me the honour of shaking hands with me, and for that purpose may I invite you, Sir Alexander Muddiman, as the Leader of the House, to lead the way.

(The Members then shook hands with Mr. President.)

The Assembly then adjourned *sine die*.

[Mr. President.]

British Government that public men in India, if they have been in some quarters described as irresponsible and destructive critics of the existing system of administration, are so because they have not been entrusted with responsibility ; and the only way to fit the people of this country for responsible government is to entrust them with the working of such a government. How far I have been able to achieve that object, and how far it will further the cause of this country are matters on which I do not feel competent to express any opinion.

Before I conclude, you will permit me to acknowledge with thankfulness the valuable assistance and advice I have constantly received from the two officers of this House, I mean Mr. Graham and Mr. Gupta. Not that I had no occasion to differ from them, but the most admirable quality with which I was particularly struck was that, once I passed my orders on any matter, in spite of their opinion to the contrary they accepted my decision and loyally supported me throughout. (Applause.) It was simply a pleasure to work with them.

I have now done. Before I adjourn the House, may I request you to do me the honour of shaking hands with me, and for that purpose may I invite you, Sir Alexander Muddiman, as the Leader of the House, to lead the way.

(The Members then shook hands with Mr. President.)

The Assembly then adjourned *sine die*.

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